A REGION IN CRISIS:
THE VIOLENT CONFLICT IN KYRGYZSTAN

HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

HOUSE OF REPRESENTATIVES

ONE HUNDRED AND ELEVENTH CONGRESS

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A REGION IN CRISIS: THE VIOLENT CONFLICT IN KYRGYZSTAN

THURSDAY, JULY 1, 2010

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 10:00 a.m., in Room 2200, Rayburn House Office Building, Hon. James P. McGovern [cochairman of the Commission] presiding.

Cochairman McGOVERN. Welcome everybody.

I am Congressman Jim McGovern. I want to welcome all of you to today's hearing on Kyrgyzstan. And I would like to thank the staff and the fellows of the commission for all their hard work in setting up this hearing.

In particular, I would like to express my gratitude to Lars de Gier for all of his help.

This morning's hearing is extremely timely in light of the ongoing humanitarian crisis in Kyrgyzstan, with potentially serious impacts on the entire region. I would like to applaud the administration for having dispatched the Assistant Secretary for Democracy, Human Rights and Labor, Michael Posner, to the region, and I understand that our Assistant Secretary of Population, Refugees and Migration, Eric Schwartz, is traveling to the region as well.

Central Asia, in general, is largely kind of an unknown territory for most Americans and rarely gets in-depth action and attention here on Capitol Hill. All too often we discuss Central Asia merely in the context of our influence in the region, frequently limited to discussions of our military presence, such as our air base in Manus, which we depend upon as staging grounds for our Afghanistan campaign. But by and large, we consider Central Asia Russia's and China's backyard, which very few people truly follow, let alone understand.

With the exception of those few experts, the recent pictures of the violence in Kyrgyzstan, which according to U.N. figures has internally displaced at around 300,000 people and forced nearly 90,000 people to seek refuge in neighboring Uzbekistan, came largely as a surprise to us. We generally had hoped that the democratic reforms and economic development had reached this region after a whole string of democratic revolutions with the former Soviet Union states, and we acknowledged the Tulip Revolution in Kyrgyzstan.

As in other areas of the former Soviet Union, high spirits of democratic revolutions have given way to the daily realities of politicking, the ever present disease of corruption, fights over land and water rights, and economic downturns.

When opposition forces stormed government offices in April of this year, the government of Kurmanbek Bakiyev, which came to power in the 2005 Tulip Revolution, effectively came to an end. Allegations of corruption, nepotism, human rights abuses as well as discontent over increased energy prices and economic inequality turned public opinion against Bakiyev. The opposition was quick to form an interim government led by the former prime minister, Roza Otunbayeva -- and I hope I am pronouncing all these names correctly, but you will correct me when you testify -- who initiated a referendum on the new constitution which was just held on

June 27th and also promised to hold elections in October.

In the June 27 referendum, almost 90 percent of the voters supported the adoption of a new constitution and the OSCE issued a statement saying that, despite some shortcomings, the referendum was conducted peacefully and in a transparent manner.

However, the government has so far failed to exercise control over the south of the country where Bakiyev loyalists have a stronghold.

On June 10th, riots broke out in Osh, after which disorder spread to neighboring Jalal-Abad region. The government declared an emergency situation and dispatched additional military and police forces to the region. The violence left at least 264 dead and approximately 2,200 injured, though the governments estimates that the true number is 10 times higher.

Today the security situation in Kyrgyzstan remains precarious, and there are serious concerns regarding the stability of the entire region. Lawlessness persists in the south, which has created spaces for extremism and criminality. United Nations aid agencies have reported that tens of thousands of Uzbek refugees are returning to Kyrgyzstan homes which require the U.N. agencies to revise their assistance operation.

And so we are glad to have with us today such a distinguished panel of experts which can shed some light on the recent developments and who will share with us some recommendations of measures that we can take to improve the human rights situation in the region and to alleviate the humanitarian crisis that we witnessed as significant numbers of refugees and IDPs are trying to return to their homes, many of which were destroyed where any kind of infrastructure is now in ruins.

So I will recognize our distinguished panel.

Cochairman McGOVERN. Jeff Goldstein is the senior policy analyst at the Open Society Institute; Rachel Denber, deputy director, Europe and Central Asia Division of Human Rights Watch; Donna Wright, director, Europe and Eurasia Division, American Bar Association; and Eric McGlinchey, assistant professor of government and politics at George Mason University.

And we welcome you all here.

And why don't we begin with Mr. Goldstein.

STATEMENT OF JEFF GOLDSTEIN, SENIOR POLICY ANALYST AT THE OPEN SOCIETY INSTITUTE

Mr. GOLDSTEIN. Thank you, Mr. Chairman, and thank you for the opportunity to testify today.

A significant deficit of human rights and good governance is at the core of the dramatic events we have witnessed in Kyrgyzstan this year.

At present, the greatest challenge facing the country is a lack of security, particularly in the south. The recent violence there indicates that the security forces do not have the capacity to assure peace and tranquility and that the interim government does not fully control those security forces, or at least does not control all elements of those security forces, as some of them are accused of actually participating in the violence.

The proposed dispatch of an OSCE police monitoring mission would be a good first step. But the international community needs to do more. First off, an independent international investigation into the violence is essential. Without it, it will be impossible to restore trust among those who were victims of the violence or to truly create, recreate intercommunal harmony in southern Kyrgyzstan.

Unfortunately, while the international community is ramping up to provide

humanitarian assistance to Kyrgyzstan, no country and no international organization appears eager to play a leading role in efforts to provide greater security. And yet, if unaddressed, the current lack of security, combined with the existing deficits in human rights and governance, are a significant threat to Kyrgyzstan's future, and as such, they also threaten vital U.S. interests in the region, including stability in Afghanistan, combating terrorism, promoting democracy, and assuring access to the region's abundant natural resources. It is, therefore, incumbent on the United States to take a leading role in galvanizing a more robust international response.

The Bakiyev regime fell in April when the long-suffering people of Kyrgyzstan ran out of patience with an increasingly corrupt, increasingly authoritarian government that was unable to guarantee them basic social, political and economic rights.

During the 2 months between the fall of Bakiyev and the violence in the south, the interim government in Bishkek struggled both to establish its legitimacy and to effectively govern the country. Sunday's referendum on a new constitution was a step in the right direction, though there are concerns that low voter turnout in the south may leave many feeling disenfranchised and particularly people of the Uzbek minority.

The international community now needs to move forward to work with the Kyrgyz government in order to resolve all the problems associated with the referendum and to ensure that this fall's key parliamentary elections are up to international standards.

Under the new constitution approved this Sunday, many powers previously vested in the president will be devolved to the prime minister and the parliamentary majority that he or she will lead.

The new government elected this fall will face numerous challenges during its first months in office, which unfortunately for everyone will coincide with winter, which is always the most difficult time in Kyrgyzstan.

The United States needs to be getting ready today to provide a substantial program of aid to help the new government demonstrate to the people of Kyrgyzstan that it is capable of addressing their concerns, of protecting human rights and providing good governance. The United States and other donors also need to increase assistance to Kyrgyzstan's civil society organizations so that they can play their essential role of government watchdog and also of provider of policy recommendations to a government that has very limited policy capabilities of its own.

Let me conclude by addressing the question of U.S. policy towards Kyrgyzstan in the 2 years leading up to April 7 and the lessons that should be learned from that event, that experience.

Many Kyrgyz, including leaders of the interim government, accuse the United States of sacrificing its values and the good of the Kyrgyz people in an all out effort to appease the Bakiyevs and prevent them from closing the Manus Air Base. Critics point out that the United States failed to publicly condemn major human rights violations, including murders of journalists and politicians; failed to provide moral support to the opposition and to civil society leaders; and failed to address widespread concerns in Kyrgyz society that the contract to provide jet fuel to the Manus Air Base, a contract that last year was worth something like $280 million, was being used to funnel money to subcontractors that were controlled by the Bakiyev family.

Administration officials counter that they continue to address human rights violations through private diplomatic channels. They also note the overriding U.S. interest in stabilizing Afghanistan and point out how difficult it was to deal with the Bakiyev government.

Still, I think if you compare the very brief and tepid press release put out by the U.S. Embassy in Bishkek after the presidential election insist Kyrgyzstan last July with the much more detailed and very forthrightly critical press release put out by the

U.S. Embassy in Tajikistan after the bad parliamentary elections there this February, it becomes quite apparent that, in fact, the U.S. Government did pull its punches in Kyrgyzstan and did so in order to try and protect its presence at the Manus base.

So what are the lessons that we can learn from this?

I would say that first and foremost is that it is a mistake to assume that authoritarian governments are as stable as they portray themselves as being. Convinced that the Bakiyev government was firmly in control, U.S. officials decided that they had no choice but to avoid doing or saying anything that would anger the Bakiyevs. Now with the Bakiyevs gone, the widespread perception in Kyrgyzstan that the United States got too close to this authoritarian regime is coming back to haunt the U.S. relationship with Kyrgyzstan and conceivably could even be a threat to Manus, which is likely to become an issue in the upcoming election campaign.

To its credit, the U.S. Government has begun to address of the problems and shortcomings that marked U.S. policy prior to April 7. In particular, the decision to announce a new tender for the fuel contract was a good step in the right direction. But it is only a first step.

The United States needs to do more. It needs to ensure full transparency of the terms of the new contract, of the contractor and any and all subcontractors. Moreover, the United States Government needs to persuade the Kyrgyz government to implement greater transparency measures on its side to demonstrate to the people of Kyrgyzstan that U.S. taxpayer money that accrues to Kyrgyzstan is being used for the benefit of the Kyrgyz people and not simply to line the pockets of a few insiders or high government officials.

A second lesson to be learned is that while there is clearly a role for quiet diplomacy in addressing human rights problems, there is a significant cost to the United States when it fails to speak out publicly in the face of significant human rights violations.

In particular, public silence can easily publics overseas, as it has in the case of Kyrgyzstan, to conclude that the United States is hypocritical, that it really doesn't care about human rights issues, particularly in situations where American geostrategic interests are in play.

And finally, I think it is essential that the United States apply the lessons it has learned in Kyrgyzstan to its relations with the other authoritarian regimes in Central Asia. While all these countries are different, they all suffer from a significant deficit of human rights and good governance, just as Kyrgyzstan has over the years.

Moreover, the two largest countries in the region, Kazakhstan and Uzbekistan, will be facing, in the short- to medium-term future, a leadership transition. And both of these countries have that inherent instability you have in a country where you have one man who rules but no rules for what happens when the one man eventually passes from the political scene, as inevitably they will.

And I think the conclusion from all this, the lesson from Kyrgyzstan, is that in its relations with all the countries of Central Asia, the United States needs to ensure that human rights concerns are visibly at the forefront of its policy.

Thank you, Mr. Chairman.

[The statement of Mr. Goldstein follows:]

PREPARED STATEMENT OF JEFF GOLDSTEIN

THE CONSEQUENCES OF THE
HUMAN RIGHTS AND GOVERNANCE DEFICIT IN KYRGYZSTAN
TESTIMONY BEFORE THE
TOM LANTOS HUMAN RIGHTS COMMISSION
JEFF GOLDSTEIN
SENIOR POLICY ANALYST
THE OPEN SOCIETY INSTITUTE

JULY 1, 2010

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A significant deficit of human rights and good governance is at the core of the dramatic events we have witnessed in Kyrgyzstan this year: the overthrow of the authoritarian and corrupt regime of ex-President Kurmanbek Bakiyev, significant tensions in the relationship between the United States and Kyrgyzstan, the struggles of the interim government in Bishkek to establish its legitimacy and govern the country, and, most recently, the horrific inter-communal violence in the south that has left hundreds, perhaps thousands, dead, and hundreds of thousands displaced from their homes.

At present, the greatest challenge facing Kyrgyzstan is a lack of security, particularly in the South. The recent violence there clearly indicates that the security forces do not have the capacity to assure peace and tranquility. The violence also demonstrates that the interim government does not fully control all elements of the security forces, some of which are accused of participating in the violence. The events of the last weeks have added to the problem by creating a complete lack of trust in the security services, and indeed in state institutions in general, on the part of many Kyrgyz citizens, particularly ethnic Uzbeks.

Let there be no mistake. In spite of the optimistic rhetoric of the interim government, what we are witnessing today is not yet a return to normalcy. Without assured security, we could very easily see a renewal of violence, perhaps not just in the south. The proposed dispatch of OSCE police monitors is a good first step, but the international community needs to do more to help provide security and ensure that humanitarian and reconstruction aid finds its way to those for whom it is intended. Unfortunately, while the international community has begun to ramp up efforts to address the humanitarian disaster in Kyrgyzstan, no country or international organization appears eager to play a leading role in efforts to provide greater security. And yet, it is clear that, if unaddressed, the current lack of security, and the overall human rights and governance deficit threaten Kyrgyzstan's future. As such, they also threaten vital U.S. interests in the country and the greater Central Asia region, including efforts to stabilize Afghanistan, combat terrorism, foster the growth of democracy, and assure access to the region's abundant natural resources. The U.S. shares at least some of these strategic goals with other key external actors, including the European Union, Russia, and China. It is, therefore, incumbent on the United States to take a leading role in galvanizing a more robust international response both to the current crisis and to helping deal with the institutional weaknesses that have plagued the country since independence.

The Fall of the Bakiyev Clan

The timing and the swiftness of the fall of the Bakiyev regime surprised many. The method of its fall did not. In 2005, the previous regime of President Askar Akayev was also brought down by a popular uprising. There are significant differences in the events of 2005 and 2010. In particular, in 2005 local elites played an essential role in organizing and directing people, whereas this year's uprising appears much more to have been a bottom-up affair. Nevertheless, the motivating factors were very similar. In essence, the long-suffering people of Kyrgyzstan ran out of patience with increasingly corrupt, increasingly authoritarian governments that were unable to guarantee them basic social, political, and economic rights.

Beginning with the passage of a new Constitution in 2007, the Bakiyev government increasingly consolidated power, first in the institution of the presidency, and then in the Bakiyev clan. Parliamentary elections were rigged, with the government going through a series of convolutions to ensure that a second party joined the president's party in parliament, but not the party that won the second greatest number of votes. Violence and even murder became significant elements on the political scene, with journalists and even the president's former chief of staff dying in "accidents" or crimes that were never solved. Basic rights, including freedom of assembly and freedom of religion, were increasingly curtailed as the government passed new, restrictive laws similar to those that were being passed under the guise of fighting violent extremism everywhere in the region.

The regime became increasingly brazen after President Bakiyev's re-election last summer in clearly rigged elections did not generate any significant degree of public unrest. The president reorganized the government, putting all of the most important agencies under his direct control. He put his son Maksim in charge of a new Development and Investment agency, giving him almost unfettered opportunity to control all major economic activity in the country and extract rents to line the clan's pockets. This took place at a time when many Kyrgyz citizens were facing a decline in living standards as the result of a precipitous drop in remittances from relatives who had gone abroad, largely to Russia, in search of work. Prior to the onset of the global economic crisis, these remittances accounted for almost 20% of Kyrgyzstan's GDP, and a far larger share of household income for many poor families. According to the World Bank, these remittances fell by 15% during the first half of 2009 compared to the same period in 2008. For many Kyrgyz, the last straw came this winter when the government announced significant increases in electric utility rates at the same time that it privatized a major utility valued at well over $100 million for the price of only $3 million to a company widely believed to be controlled by cronies of Maksim Bakiyev.

Just a few weeks before he was overthrown, President Bakiyev summoned a Kurultai, or gathering of the peoples of Kyrgyzstan, at which he stated openly that Western-style democracy was not appropriate for Kyrgyzstan. The opposition called for its own counter-Kurultais to be held throughout the country on April 7. On April 6, a small crowd gathered in the town of Talas in northwestern Kyrgyzstan. Violence between police and protesters broke out, and the security forces rapidly lost control of the situation. Fearing the spread of violence, the government responded by arresting the leadership of the political opposition. As a result, when demonstrations broke out the next day in Bishkek the crowds were unrestrained and violence quickly ensued. Although some security forces, including snipers dressed in what appeared to be U.S.-supplied uniforms, fired on demonstrators in front of the government building, other units decided it was not worth their lives to confront the crowds for the benefit of the Bakiyevs, and that same day President Bakiyev fled the capital.

The United States and Kyrgyzstan

The fall of the Bakiyev regime showed a spotlight on the U.S. relationship with Kyrgyzstan during his rule. Many Kyrgyz, including leading members of the interim government that took power in Bishkek after Bakiyev fled, accuse the United States of sacrificing its values and the good of the Kyrgyz people to an all-out effort to appease the Bakiyevs and prevent them from closing down the U.S. airbase at the Manas airport outside of Bishkek. Manas is a key transit point through which troops transit into and out of Afghanistan, while planes flying out of Manas are also used to refuel U.S. aircraft flying missions in Afghanistan. In early 2009, President Bakiyev announced plans to close the base during a visit to Moscow, where he was promised significant Russian economic aid. In the end, Bakiyev reversed this decision in exchange for a large increase in the annual U.S. payment for use of Manas, which was renamed a Transit Center rather than a Base in a transparent effort to appease those in Moscow to whom Bakiyev had promised to close the base.

Critics of the U.S. policy towards Kyrgyzstan during this period point to the fact that the United States failed to publicly condemn major human rights violations, including murder, failed to provide moral support to the opposition or civil society leaders, and continued to shut its eyes to the fact that the contract for the supply of jet fuel to the Manas base, a contract worth more than $250 million last year, was widely believed to be a mechanism to funnel money to subcontractors controlled by the Bakiyevs. Administration officials counter that they continued to address human rights violations with the Bakiyev government through private, diplomatic channels. They also note the overriding U.S. interest in stabilizing Afghanistan, and the patent difficulty of doing business with the Bakiyev government. Still, when one compares the brief and tepid press release put out by the U.S. Embassy in Bishkek following last year's presidential elections and the much more detailed and forthrightly critical statement issued by the U.S. Embassy in Dushanbe following Tajikistan's badly flawed parliamentary elections this February, it does very much appear that the United States pulled its punches in Kyrgyzstan in order to protect the Manas base. Moreover, as the members of the Commission know better than most, politics is about perception, and the widespread perception in Kyrgyzstan today is that the United States sacrificed its support for universal human rights and propped up an authoritarian regime because it was in the U.S. geo-strategic interest to do so.

What are the lessons we should draw from this experience? First and foremost, it is a mistake to assume that authoritarian regimes are as stable as they claim to be. The Bakiyevs convinced the United States that they would be in power indefinitely. Thus, it was seen as essential that the United States neither do nor say anything that would offend the regime. As it turned out, however, the Bakiyev government was not at all stable, and with it gone the widespread perception in Kyrgyzstan that the United States was too close to the regime has come back to haunt U.S.-Kyrgyz relations and perhaps even threaten the future of Manas.

To its credit, the United States government has begun to address some of the shortcomings that marked the U.S. policy approach prior to April 7. In particular, the decision to announce a new tender for the supply of jet fuel to the Manas base is a sign that the United States is seeking to address the perception in Kyrgyzstan that both the Bakiyev and Akayev regimes found ways to profit from the contract. It is essential, however, that the United States go farther, ensuring as much transparency as possible regarding the terms of the eventual new contract, the contractor and any sub-contractors. Moreover, the U.S. government should also work to persuade the Kyrgyz government to institute transparency measures of its own in order to demonstrate that any proceeds from the contract that accrue to Kyrgyzstan are being used for legitimate purposes of state, and not to line the pockets of a small group of insiders. The interim government has already indicated an interest in improving transparency, most notably by indicating it would continue with the process of validation under the Extractive Industries Transparency Initiative (EITI) and by drafting a resolution on further transparency measures in the vital fuel and energy sectors. This initiative, which is modeled on EITI, will feature a voluntary Monitoring Council, regular public reporting of sector costs, revenues and cash flows, the use of escrow accounts and other transparency mechanisms to promote the proper management of cash flows in the fuel and energy sectors.

A second lesson is that while there is clearly a role for quiet diplomacy in addressing human rights violations, there is also a cost when the United States fails to speak out in public in the face of particularly egregious cases. In particular, public silence can easily lead foreign publics to conclude, as have many in Kyrgyzstan, that the United States is not really concerned by human rights violations, particularly in countries where key American strategic interests are in play.

The United States also needs to apply the lessons it has learned in Kyrgyzstan to its relations with the other highly authoritarian regimes in Central Asia. The countries of the region are different in many ways, but all suffer to a significant degree from the same human rights and governance deficit that has afflicted Kyrgyzstan. Moreover, the two largest countries in the region, Kazakhstan and Uzbekistan, face leadership transitions at some point in the not too distant future. Both face the inherent instability of political systems that are dependent on a single leader, but which do not have any rules for determining what happens when that leader inevitably departs from the political scene.

The Violence in the South

In the early morning hours of June 11, inter-communal violence broke out in Osh, Kyrgyzstan's largest city and the regional center for the South of the country. Ethnic Uzbeks, who make up some 15% of the country's population, are concentrated in the South, where the Soviet-drawn boundaries in the fertile and densely populated Ferghana Valley make no allowances for the historic realities of where various ethnic groups actually live. Ethnic Uzbeks have attained a leading position in the economic affairs of southern Kyrgyzstan, but the political life and governmental structures of the South are dominated by ethnic Kyrgyz.

Tensions were particularly high in the South, the home region of the Bakiyev clan. Upon leaving Bishkek, Bakiyev fled to Osh and then to his home town near the provincial center of Jalalabad in an effort to rally support. Although this effort failed, many ethnic Kyrgyz in the South remained concerned that their circumstances would deteriorate in a post-Bakiyev

Kyrgyzstan. Some ethnic Uzbek leaders, meanwhile, saw the demise of the Bakiyevs as an opportunity to improve their community's political position. A series of smaller violent incidents, included the burning of the Bakiyevs' homestead, led up to inter-communal rioting that produced fatalities and caused the interim government to declare a state of emergency in the south on May 19.

The United Nations has concluded that provocateurs sparked the most recent wave of violence in the South. The interim government blames the Bakiyevs, charging that they hired mercenaries to stir up ethnic trouble in an effort to prevent the new authorities from holding a constitutional referendum scheduled for June 27 designed to establish the legitimacy of the interim government. Whatever the role of provocateurs, however, it is also apparent that the interim government was preoccupied and did little to engage with and address the legitimate concerns of those living in southern Kyrgyzstan, be they ethnic Kyrgyz or Uzbek.

The violence that began on June 11 resulted in massive destruction of property and created some 400,000 internally displaced persons and refugees. The Kyrgyz security forces were unable to control the situation. Moreover, there are numerous credible allegations that some units and individuals stood by and allowed the violence to take place or even took part. There are also reports that the local authorities supported armed gangs organized by local criminal figures, including some prominent in the drug trade. Even members of the interim government have admitted in candid moments that they do not fully control the security forces, stating that some members of the police and military remain loyal to the Bakiyevs rather than to the interim government. An independent, international investigation into the violence is essential to clarify the situation and pave the way for a trial of those who sparked the violence. Without this, it will be impossible to truly rebuild either trust in the state among the victims of the violence or inter-communal harmony. Such an investigation must include an international component, as it is unclear if the Kyrgyz authorities are capable of carrying out an objective investigation on their own. Local authorities have, for example, arrested and allegedly tortured well-known human rights activist Azimjon Askarov for attempting to record evidence of human rights violations by Kyrgyz security forces.

The investigation should also look into the fate of the approximately 100,000 ethnic Uzbek citizens of Kyrgyzstan who fled across the border to Uzbekistan. Reports indicate that most of these people have returned to Kyrgyzstan, even though many of them no longer have homes to which to return. Numerous allegations that these refugees were cajoled or fooled into returning to Kyrgyzstan by Uzbekistani officials also need to be investigated.

The violence has produced a complete collapse of faith in the security forces and, indeed, all state institutions on the part of the Uzbek community and many other citizens of Kyrgyzstan. Uzbek leaders appealed to the government not to remove improvised barricades protecting Uzbek neighborhoods in the South, for fear that with them down, and with the security services not to be trusted, they would be defenseless. Nevertheless, the government moved in to remove the barricades, arguing it had a responsibility to confiscate arms that had fallen into the hands of those inside the barricades and that all Kyrgyz citizens should have access to the entire country. In the process at least two civilians in the town of Nariman were killed, which further increased distrust in the Uzbek community.

In the days immediately following the slacking off of violence in the South, humanitarian aid was piling up at Osh airport and in Bishkek, but could not be effectively delivered due to a lack of security. There were also reports that aid was being misdirected by the local administration in Osh, finding its way onto markets or into the hands of cronies rather than to those most in need. While the situation has stabilized and some refugees and IDPs have begun to return home, what we are witnessing is a very fragile stability. Given the weakness and questionable loyalty of Kyrgyz forces, only an international force can provide real security in southern Kyrgyzstan today. The proposed dispatch of OSCE police monitors is a good first step, but they will be few in number and unarmed; unable to prevent a relapse into violence should local forces again clash.

The international community needs to move now to organize the creation of a security force that can protect the people of southern Kyrgyzstan and ensure that humanitarian and reconstruction aid finds its way to those for whom it is intended. Unfortunately, no country or international organization appears eager to play a leading role in efforts to provide greater security. Given both the current humanitarian need and its own strategic interests in a stable Kyrgyzstan, the United States should take a leading role in galvanizing a more robust international response.

The Struggles of the Interim Government

During the two months between the fall of Bakiyev and the violence in the South, the interim government in Bishkek struggled both to establish its legitimacy and effectively govern the country. In what will surely be a controversial move, the leadership of the interim government decided to disband the parliament and the Constitutional Court, arguing that the parliament was compromised because its members were chosen in fraudulent elections, and that the Constitutional Court was compromised by its complete subordination to the Bakiyevs. Unfortunately, these were the only two institutions that, under the provisions of the final Bakiyev-era constitution, could have conveyed legitimacy on the new government. Instead, the interim government decided to seek legitimacy through a referendum on a new constitution. Unfortunately, the drafting of the constitution and preparations for the referendum took ten weeks, during which the legitimacy of the interim government was open to question both at home and abroad. The need to establish legitimacy also complicated the situation following the violence in the South, as the government felt obliged to move ahead with the referendum even though it was clear that many displaced persons in the South would not be able to exercise their constitutional right to participate. Moreover, as a result of the lack of stability in the South, the Organization for Security and Cooperation in Europe (OSCE) was unable to deploy the large team of short-term monitors it had planned to monitor the referendum.

Nevertheless, the interim government did proceed to hold the referendum on June 27. The voting took place without violence. According to Kyrgyzstan's Central Election

Commission (CEC), turnout was just under 70% with almost 92% of those who voted supporting the new constitution. Due to the violence in the South, however, the OSCE was unable to deploy the large team of short-term advisors it had planned, making it difficult to fully judge the extent to which the vote met international standards. The OSCE did have a small team of long-term observers in country, and their initial report was mixed. The report praised the general preparations for the vote given the short time available and the efforts made by the interim government to ensure transparency of the process. It also commended the government's efforts to enfranchise those who had been displaced, but also noted that given the pervasive atmosphere of fear turnout was lower in the South. The OSCE also criticized the format of the referendum question, noting that by wrapping three issues – support for the constitution, for the naming of Roza Otunbaeva as president until December 31, 2011, and for dissolving the Constitutional Court – into a single question, the referendum deprived voters of a full choice. Regarding the conduct of the voting and the vote count, OSCE reported that, based on a very small sample, the voting was generally well administered, while the vote count was somewhat more problematic.

While the referendum went off well given the difficult circumstances, the fact that it was held so soon after the violence may have left a significant number of Kyrgyz citizens in the South feeling disenfranchised. As the purpose of the referendum was to convey domestic and international legitimacy on the interim government and prepare the way for election of a new parliament in the fall, this is unfortunate. It is incumbent on the authorities, with the assistance of the international community, to do everything possible to address the shortcomings in the referendum process in time for this fall's parliamentary elections.

The new constitution adopted through the referendum marks a significant departure from Kyrgyzstan's most recent constitutions, which invested authority largely in the president. Under the new constitution many powers have been divested to the Prime Minister and the parliamentary majority he or she will command. Whether or not this system will work remains to be seen, however proponents argue that given the demonstrated failures of a presidential system in Kyrgyzstan it is an experiment worth trying.

Whatever the system of government, however, Kyrgyzstan faces significant challenges in the field of governance. Many civil servants left or were forced out in 2005, and the process has repeated itself again in 2010. The Kyrgyz government faces a major deficit of human capital, of trained, effective civil servants. The Open Society Institute is partnering with the State Department to support the American University of Central Asia, a key institution for developing a new generation of leaders for Kyrgyzstan. But the international community needs to do more to assist Kyrgyzstan through capacity building programs and budgetary assistance so that the government can pay its employees a living wage. Kyrgyzstan is blessed with one of the strongest civil societies in Central Asia, in part due to capacity building assistance provided by the United States and other international donors, including the Open Society Institute, in the first years after independence. Unfortunately, after 2005, the United States shifted its focus away from support for civil society. This trend needs to be reversed, as with proper support Kyrgyz civil society is capable of playing the essential role of government watchdog, raising the alarm should a future government begin to revert to the authoritarian ways of its predecessors. Moreover, given the lack of human capacity within the government, civil society can be an important resource for providing advice on key policy and governance issues.

While dealing with the immediate humanitarian disaster, it is incumbent on the United States government to be working now on plans to support whatever government is formed in Kyrgyzstan after this fall's parliamentary elections. That government will not have an enviable task, starting its term of office just as winter sets in. The United States needs to be ready with a substantial program of aid to help the new government demonstrate to the people of Kyrgyzstan that it is capable of addressing their concerns, of protecting human rights, and providing good governance. If the new government is unable to demonstrate this in the short term, it may not have a long term future. After two popular uprisings in five years, the fate of Kyrgyzstan is very much on the line, and with it U.S. strategic interests in the stability of Afghanistan, the fight against global terrorism, and the development of a democratic, market-based, and peaceful Central Asia.

Cochairman McGOVERN. Thank you very much.
Ms. Denber.

STATEMENT OF RACHEL DENBER, DEPUTY DIRECTOR EUROPE AND CENTRAL ASIA AT HUMAN RIGHTS WATCH

Ms. DENBER. Thank you.

I am honored to appear before you today, Mr. Chairman. Thank you for the invitation to address the human rights crisis in southern Kyrgyzstan and what the U.S. Government can do to help address it.

Mr. Chairman, Human Rights Watch has been monitoring the human rights situation in Kyrgyzstan for nearly two decades, and we have had a research team on the ground in Osh ever since the violence broke out on June 10th. We have documented the massive looting and destruction of civilian property and the widespread acts of violence by Kyrgyz and Uzbek mobs in the city of Osh and in other towns in southern Kyrgyzstan.

We have also documented the human rights violations that have taken place in the aftermath of all this mayhem.

Mr. Chairman, the mass violence in southern Kyrgyzstan has subsided, but the human rights crisis there continues. It is indeed a relief that furthers violence did not mar the July 27 referendum. But the situation there remains tense and volatile.

Our researchers on the ground have found that ethnic and Kyrgyz and Uzbek communities remain divided and that the Uzbek communities have no trust in Kyrgyz authorities to protect them from further violence or to launch a credible impartial accountability process.

Ethnic Kyrgyz fear going into ethnic Uzbek areas, and ethnic Uzbeks continue to express great fear and anxiety about leaving their neighborhoods. And these anxieties are well grounded because they continue to be the victims of all kinds of assaults.

In some cases, Kyrgyz authorities are carrying out search-and-seizure operations during which they have beaten ethnic Uzbeks or looted their property, and this has further caused more tension and has exacerbated the divide between the ethnic Uzbek community and the Kyrgyz authorities.

My written testimony describes these problems in far greater detail. And also it outlines the mob violence, and it raises some questions about the responsibility of Kyrgyz law enforcement and security forces, about the role that they played in the violence either in turning a blind eye to it, and in some cases, in individual cases, it raises questions about their possible participation in certain acts.

My written testimony also provides detailed recommendations for how to ensure protection for all people living in Kyrgyzstan and also to ensure a fair and credible and effective accountability process.

I would like to dwell on these recommendations just a little bit here, and I have to say that they are fully consonant with my colleague Jeff Goldstein's.

I think that, first and foremost, there needs to be an international security force in Kyrgyzstan to provide, to ensure protection for the civilian population; to ensure the equitable and safe distribution of humanitarian assistance; to ensure that the reconstruction process takes place in an environment of security; and also to create space so that the reconciliation and mediation efforts that are desperately needed to heal the gap of trust between the two communities and between the Uzbek community and the Kyrgyz Government, that that gap can be bridged.

It is very timely that you are holding this hearing today because today, in Vienna, discussions continue at the Organization for Security and Cooperation in

Europe about the deployment of an OSCE police monitoring and assistance mission.

We at Human Rights Watch believe that the OSCE, the proposal for an OSCE mission of 120 police monitors is a good start. We don't think that it is enough. More needs to be done. And moreover, there needs to be more assurance that this mission will have the resources and ultimately the mandate that it will need to provide real protection for people. And this is something that the Obama administration should engage very robustly on in the context of the OSCE.

The second urgent need for Kyrgyzstan is a two-pronged accountability process. The first step should be, and here, again, I have to echo Jeff's comments, the first step should be an international investigation into the events of June 10 to 14. And this investigation will help pave the way for the national investigation that is already underway. It would not supplant that national domestic efforts. But unlike the national inquiry, an international investigation could be fielded and completed quickly, and its findings could be of immediate use in formulating strategies to stabilize the situation.

Moreover, an international group of experts would be seen by all sides in Kyrgyzstan as both impartial and credible, and the inquiry's findings would be very difficult for any one clan, ethnic group, opposition supporters or even the interim government to dismiss.

At the same time, of course, it is the Kyrgyzstan interim governments's responsibility to ensure a credible national criminal investigation process that brings the perpetrators of the violence to justice and addresses damage claims by victims. But here, again, there needs to be international involvement in this domestic process, international involvement to provide needed capacity, to provide needed expertise and, again, to help bridge the gap of trust bean between the Uzbek community and the Kyrgyz authorities. That trust is not there now. And if there is a national investigation process that does not take into consideration this lack of trust, the result will have absolutely no credibility.

Moreover, there are already some indications that we may need to be questioning how the national investigation process is taking place today.

The Obama administration needs to engage directly with the Kyrgyz interm government to discuss this two-pronged investigation strategy. It needs to urge Roza Otunbayeva to make a request to the Secretary General of the United Nations for an international inquiry. And it needs to perhaps request assistance from the Organization for Security and Cooperation in Europe in providing experts for the domestic inquiry.

Thank you very much.

[The statement of Ms. Denber follows:]

PREPARED STATEMENT OF RACHEL DENBER

The Need for International Action in Southern Kyrgyzstan

Testimony for the Tom Lantos Human Rights Commission

Rachel Denber
Deputy Director, Europe and Central Asia division, Human Rights Watch

June 1, 2010

I am honored to appear before you today. Thank you for your invitation to speak about the human rights crisis in southern Kyrgyzstan and what the US government can do to help address it.

Mr. Chairman, Commission members:

Human Rights Watch has been monitoring the human rights situation in Kyrgyzstan for nearly two decades. We have had a research team on the ground in Osh since the violence broke out on June 10. We have documented the massive looting and destruction of civilian property and widespread acts of violence by Kyrgyz and Uzbek mobs in the city of Osh and in other towns in southern Kyrgyzstan. We also documented human rights violations that have taken place in the aftermath of the mayhem.

Mr. Chairman, commission members, the mass violence in southern Kyrgyz has subsided but the human rights crisis continues. It is indeed a relief that further violence did not mar Kyrgyzstan's June 27 referendum. But the situation remains tense and volatile. Human Rights Watch research on the ground has found that ethnic Kyrgyz and Uzbek communities remain divided, and that Uzbek communities have no trust in Kyrgyz authorities to protect them from further violence or to launch a credible, impartial accountability process. Ethnic Uzbeks continue to express great fear and anxiety about leaving their neighborhoods, and we continue to receive reports of attacks. In some cases officers from Kyrgyz law enforcement carrying out search and seizure operations have beaten ethnic Uzbeks , which has further raised tensions and exacerbated the divide between this community and the Kyrgyz govenrment.

There is an urgent need for an international policing mission to be deployed in Kyrgyzstan in order to bridge this divide, protect people, build confidence, and deter further violence. There also needs to be an international inquiry in to the events of June 10-14 and the immediate aftermath. This investigation would pave the way for the national accountability process that is currently under way and for a reconciliation process.

My testimony outlines the mob violence of June 10-14 and raises questions about the response of Kyrgyz law enforcement and security forces. It describes an evolving, tense security environment in Osh, in which ethnic Uzbeks have little protection from attacks and fear venturing outside their neighborhoods. I will also discuss concerns about human rights abuses committed by Kyrgyz law enforcement and security forces in the context of recent search and seizure operations and their treatment of individuals in custody. I will conclude by making specific recommendations about the need for an international inquiry into the violence and for an international force to help Kyrgyz law enforcement provide stability and security for all people in southern Kyrgyzstan.

From Clashes to Mob Violence

Mass violence erupted on June 10 when hundreds of Uzbeks gathered near a dormitory in the center of Osh, allegedly in response to recent scuffles between Uzbeks and Kyrgyz. The Uzbek crowd torched several buildings, including a casino, and set fire to several cars. Violence escalated when rumors spread that people in the Uzbek crowd had raped a Kyrgyz girl in the dormitory, a rumor that turned out to be false.

Human Rights Watch researchers working in southern Kyrgyzstan from June 10 to 22 documented the massive looting and destruction of civilian property and widespread acts of violence by Kyrgyz and Uzbek mobs in the city of Osh and the towns of Jalal-Abad and Bazar-Kurgan.

While both ethnic Kyrgyz and Uzbeks fell victim to the violence, Uzbek neighborhoods were particularly affected as mobs of ethnic Kyrgyz, many of them reportedly from villages surrounding the city of Osh, repeatedly attacked Uzbek areas. Over the following days mobs looted and burned to the ground an estimated 2,000 houses in Uzbek neighborhoods in Osh, Jalal-Abad, and Bazar-Kurgan. Human Rights Watch documented dozens of killings and beatings during these attacks, interviewed two Uzbek victims of rape, and received detailed information about the rape of nine others, ages 15 to 40, from the doctor who had treated them.

Human Rights Watch also spoke with relatives of ethnic Kyrgyz men who were killed during the violence and documented the destruction of several buildings belonging to ethnic Kyrgyz.

Hospital records and witness testimony indicate that the majority of dead and wounded are young Uzbek and Kyrgyz men. However, dozens of women and children were also shot or burned in their homes.

Systematic attacks based on ethnicity

Human Rights Watch research suggests that the violence – particularly the attacks on Uzbek neighborhoods – was systematic and, at least in some cases, well-organized. Witnesses in several neighborhoods told Human Rights Watch that men in military uniform riding on top of an armored personnel vehicle would first clear the barricades that the Uzbeks had erected at the entrance of their neighborhoods. A group of armed men, including gunmen strategically placed on rooftops, would then fire at people in the neighborhood, forcing them to flee.

Once residents fled or hid in their basements, the next group, in civilian clothes, entered the neighborhood and systematically looted the houses, often loading the loot on cars stolen on the spot. Another group then followed, setting the looted houses on fire with Molotov cocktails or gasoline. In several cases documented by Human Rights Watch, the mob also beat and killed residents who did not manage to escape or who tried to prevent the destruction of their homes.

Following are examples:

- A 50-year-old ethnic Uzbek woman told Human Rights Watch how on June 11, a mob invaded her home and beat and burned her as they tried to get her to reveal her son's whereabouts. She refused, but as she watched, helpless, the men entered and then torched an adjacent building where her son was taking shelter, burning him to death.

- Late at night on June 10, hundreds of young Kyrgyz men came to several streets in the Cheremushki neighborhood in the eastern part of Osh, inhabited predominantly by ethnic Uzbeks. Numerous witnesses interviewed by Human Rights Watch said the men were beating the residents and looting and burning the houses. They burned the house of a 16-year-old Uzbek girl, "Umida" (her name is changed here to protect her), and beat her father; five of them raped her.

Two examples of attacks on ethnic Kyrgyz are below:

- On June 10, at around 10 p.m., two ethnic Kyrgyz men, Emil and Ruslan, who work in a computer club in Osh, were on their way back to their home village of Japalak on the outskirts of the city. They had not yet heard of any clashes in the city and thus took their usual route – through an Uzbek neighborhood. A mob stopped the car, dragged them out, screaming "Get you, Kyrgyz!"and beat them. When Human Rights Watch interviewed the two two men they still had marks from the beating on their faces and bodies.

- On June 11, a mob raided the village of Kyrgyzcheck, which is predominately Kyrgyz, resulting in the deaths of at least eight people. Dozens sustained gunshot, knife, and burn injuries.

Human Rights Watch observed that many houses had been marked with the ethnicity of their owners. In several neighborhoods, virtually all Uzbek homes were destroyed, while the few houses that remained intact belonged to Kyrgyz, indicating that the mobs obtained information about the owners of the houses and limited attacks to Uzbek houses. The Kyrgyz mobs covered the walls on Uzbek homes with graffiti saying "Death to the Uzbeks" and similar slogans.

Questions About Involvement of Government Forces
Many Uzbeks told Human Rights Watch that they believe government forces participated in the attacks on their neighborhoods, referring to the presence of armed men in military uniform among the attackers and the use of armored personnel carriers (APCs) to remove the Uzbek barricades.

Local law enforcement officials admitted to Human Rights Watch that APCs had been used in the attacks. They claimed, however, that the mobs had stolen weapons and military vehicles from nearby military bases. A high-level local official in Jalal-Abad told Human Rights Watch that at least 59 automatic guns, a grenade launcher, and two armored vehicles were taken from two military bases in Jalal-Abad. The official told Human Rights Watch that "in order to avoid bloodshed the troops abandoned the base," but claimed that they had first "broken" the military vehicles to avoid them being used by the mob.

While Human Rights Watch has not been able to conclude whether Kyrgyz security forces were directly involved in the attacks based on the information collected so far, the presence of men in military uniform, the apparent ease with which the mobs obtained weapons, including heavy military vehicles, and the failure to stop the violence should be key elements of the investigation into the violence.

Attacks in the Aftermath of June10-14
Ethnic Uzbeks continue to express great fear and anxiety about leaving their neighborhoods. These fears are well-grounded. Human Rights Watch documented at least a half dozen attacks—including beatings and rapes—against ethnic Uzbeks who ventured out of their neighborhoods for various needs, such as to go to the bazaar, collect humanintarian assistance, go to the hospital, or attend a funeral.

Skepticism About the Government's Investigation
The interim government has begun an investigation into the June violence. Many Uzbeks told Human Rights Watch, however, they believed security forces either perpetrated the attacks or deliberately turned a blind eye to them. Regardless of whether this is true, the result has been a complete breakdown in trust between the Uzbek community and the government. As a result, they do not believe that the authorities will conduct an impartial and objective investigation.

An Uzbek man who fled the town of Bazar-Kurgan and who, as of June 20, was still staying near the Uzbek border with thousands of other displaced Bazar-Kurgan residents who were too afraid to go home, told Human Rights Watch: "We don't believe the authorities any more. While the Kyrgyz were burning our homes and killing us, the police were nowhere to be seen. How can we trust them now to investigate these violations if they failed to prevent them and refused to protect us in the first place?"

Abusive Sweep Operations and Beatings in Custody
Human Rights Watch has received numerous reports of abuses committed by Kyrgyz police and security forces in the context of police and security operations in the weeks that followed the June 10-14 violence. These abuses have further reinforced the perception in the Uzbek communities that they cannot trust law enforcement authorities to be objective or to protect them.

For example, Kyrgyz forces wounded at least 20 people, two of whom died, during a security operation on June 21, 2010, in the predominantly Uzbek village of Nariman, located on the outskirts of Osh. Police had gone from house to house in the

neighborhood, demanding identification documents and information about the killing of the village police chief, whom police say Nariman residents killed on June 12, 2010.

After several residents had presented their documents, the security forces started beating them with rifle butts and kicking them, victims and witnesses told Human Rights Watch. One of the beating victims died from his injuries. Residents said police demanded to know who was responsible for killing the police chief. The forces also smashed cars, furniture, and windows, and took money and jewelry from the residents. More than a dozen victims were brought to the Nariman hospital, where Human Rights Watch researchers saw them arriving and interviewed them.

Human Rights Watch received further credible, serious reports about the misconduct of the police and military during sweep operations and detentions.

Residents of Shait-Tepe, an Uzbek neighborhood in Osh, described to Human Rights Watch a sweep operation that took place there early on the morning of June 23. They said that the armed personnel beat several of the Uzbek men, and a male resident told Human Rights Watch that one of the armed personnel hit the man's wife in the face after their child started to cry.

Another Shait-Tepe resident told Human Rights Watch that about six or seven armed personnel men kicked in the door to the resident's home and asked to see the family's passports. When the armed personnel left, the residents discovered that two mobile phones and about 1000 som (about $20) had disappeared. When the family asked that their phones be returned to them, the officers replied, "What, you think we're thieves?" Other residents of Shai-Tepe also reported that officers took valuables such as cell phones, money, jewelry, and in one case, a computer.

Residents in another ethnic Uzbek neighborhood in Osh said that on June 30, police officers who did not identify themselves detained six ethnic Uzbeks without providing any reason or informing their relatives where they were taking the men. Residents also told Human Rights Watch that an officer shot his weapon into the air several times as one of the men was being detained. The men were released later in the day without charge.

Human Rights Watch is also concerned about credible reports about police beatings of those detained in weeks following aftermath of the violence. For example, in late June we interviewed three ethnic Uzbeks who had been detained (this – which ??) week and beaten in custody before being released. One had visible bruises and all three were clearly traumatized by their ordeal.

The Arrest of a Human Rights Defender

On June 15, authorities in Bazar Kurgon arrested Azimzhan Askarov, director of Air, a local human rights organization, who is active in the Jalal-Abad province human rights network "Justice." He is being held on charges of "organizing mass disturbances" and "inciting interethnic hatred."

Askarov was not formally charged until June 18, although Kyrgyz law requires charges to be brought within 48 hours. During Asakarov's first week of detention, authorities refused to allow an independent lawyer to meet with him. On June 20, after Human Rights Watch intervened, Askarov was allowed to meet with a lawyer provided by a local human rights organization, but several police officers in the room refused to leave during the meeting. When another lawyer, Nurbek Toktakunov, went to see him on June 22, the deputy prosecutor was present during the entire meeting.

While the presence of the police prevented Askarov from talking freely, Askarov showed his lawyer bruises on his left side and lower back, which the lawyer photographed. The lawyer told Human Rights Watch that he believed the bruises were marks of severe beatings that Askarov suffered shortly after he had been detained. The deputy prosecutor rejected Toktakunov's motion for Askarov to have a forensic medical examination, saying an examination had already been conducted. She refused to provide the lawyer with a copy of the medical report.

When Human Rights Watch met with Bazar Kurgon police on June 20, officers on duty were incensed by Human Rights Watch's concerns about Askarov. One of them said, "You may believe he is clean and innocent, but we know that he is a piece of shit." Another officer added that Askarov should be promptly executed.

Askarov's lawyer appears to have come under attack for having taken on his defense. On June 23, a group of about a dozen women and men surrounded and threatened him with violence as he was entering the Bazar-Kurgon prosecutor's office. Responding to Human Rights Watch's call regarding the incident, Bakirov said the crowd had probably been relatives of the police officer who was killed. The prosecutor refused to take any action in relation to the incident.

Recommendations

Justice and protection are urgent priorities for southern Kyrgyzstan. Given the breakdown in trust between the ethnic Uzbek community and the Kyrgyz authorities, there needs to be an international component in the justice and accountablity process and in the protection of civilians.

A two-pronged approach to accountability

There needs to be a two-pronged approach to accountability for the June 10-14 mayhem: an international inquiry and a national criminal investigaiton with international involvement.

The first step should be an international investigation in to the violence. This investigation would help pave the way for the national accountability process and would not be intended to supplant domestic efforts. Unlike the domestic criminal process, an international investigation could be fielded and completed quickly. Its findings could be of immediate use in further guiding the domestic investigation and in formulating strategies to stabilize the situation and prevent a recurrence of violence.

An international group of experts would be seen by all sides in Kyrgyzstan as both impartial and credible, and the inquiry's findings would be difficult for any clans, ethnic groups, opposition supporters or the interim government to dismiss.

At the same time, Kyrgyzstan's interim government is responsible for ensuring a credible national process that brings the perpetrators of the violence to justice and addresses damage claims by victims. The international inquiry would result in an authoritative report that could provide direction for the criminal investigations by Kyrgyz authorities.

For the Kyrgyz national investigation to be effective, it too needs to be undertaken quickly and to be impartial and thorough. Those responsible for the investigation need to be independent from those implicated in the events, not just institutionally but in practical terms so for example, they are not relying only on Kyrgyz law enforcement to supply evidence. Involving international experts in the national process will enhance both the effectiveness and credibility of the investigations.

The Obama administration should engage directly with the Kyrgyz interim government to discuss this two-pronged investigations strategy. In order to move forward on investigations, the Obama administration should urge Kyrgyzstan's interim government to request that the UN Secretary-General launch an international inquiry as quickly as possible.

The Need to Deploy an International Policing Mission

Kyrgyzstan's police, security, and military forces have responsibility for ensuring the security of all people in southern Kyrgyzstan. They have requested assistance from the OSCE in doing so. This assistance is urgently needed, especially in light of the vulnerability of ethnic Uzbek communities and their well-founded anxieties about security, and their gaping lack of trust in the Kyrgyz authorities' willingness or ability to protect them.

An international stabilization mission of limited size could make a significant difference by securing the area for humanitarian relief, providing security for the displaced who have and will continue to return home, and creating space for reconciliation, confidence-building, and mediation programs to succeed. This mission would have a policing mandate and could be bolstered by military forces, particularly constabulary forces or gendarmes, if necessary.

The OSCE is well-placed to ensure security in Kyrgyzstan because it is the preeminent multilateral organization in the region and because the Kyrgyz government has requested that it do so.

The Obama administration should push for such a stabilization mission to be fielded as quickly as possible and to ensure that it has the resources to carry out its mandate effectively.

The Obama administration has the opportunity to act now to help the Kyrgyz government protect people in southern Kyrgyzstan and prevent a recurrence of the mayhem of June 10-14. It should not miss this opportunity.

Thank you very much.

For more information, please see the following reports:

http://unosat.web.cern.ch/unosat/asp/prod_free.asp?id=23
http://www.hrw.org/en/news/2010/06/17/kyrgyzstan-new-attacks-against-uzbeks
http://www.hrw.org/en/news/2010/06/21/kyrgyzstan-security-forces-abuse-civilians

Cochairman McGOVERN. Thank you very much.
Ms. Wright.

STATEMENT OF DONNA WRIGHT, DIRECTOR OF THE EUROPE AND EURASIA DIVISION AT THE AMERICAN BAR ASSOCIATION

Ms. WRIGHT. Thank you for having this hearing and inviting the American Bar Association rule of law initiative to testify today.

I am going to approach this from a little bit of a different point of view. I want to tell the committee about some areas of positive progress that have been made in the Fergana Valley in Kyrgyzstan and hopefully to show a way forward that we can get back to where we were before this violence broke out.

The American Bar Association Rule of Law Initiative has been working in Kyrgyzstan since 1993 and in Osh since 2001. The area has a very special place in my heart because when I first started working in international development, I lived in the Fergana Valley for a year, both in Uzbekistan and Kyrgyzstan. So I am very familiar with a lot of the projects that I am going to be talking about today.

When the American Bar Association Rule of Law Initiative, which I am going to shorten to ABA ROLI for time's sake, started working in the Fergana Valley, we were working on crosscultural initiatives. We were working on civic programs and civic citizens' rights advocacies. In 2002, the lawyers of the Fergana Valley came together and formed the very first all-inclusive bar association in Central Asia, which included lawyers from Uzbekistan, Kyrgyzstan and Tajikistan, and also included, for the first time, prosecutors and judges. That bar association is called the Fergana Valley Lawyers Without Borders, and it is still operating today, and it is providing direct legal assistance.

During this time, we introduced a culture of pro bono legal assistance for the first time in the country of Kyrgyzstan. This was a concept that had been foreign to them. But they embraced it enthusiastically. We had lawyers in the Fergana Valley taking their days off and going to provide traveling law clinics to provide direct legal assistance to regions in the south of Kyrgyzstan that didn't have access to justice. These lawyers also opened up a free legal clinic at the border crossing between Uzbekistan and Kyrgyzstan to provide direct legal assistance for the day traders and the other travelers who were encountering difficulties at the border.

We worked with the Citizens Advocacy Network that included NGOs from the entire Fergana Valley, again, Uzbekistan, Kyrgyzstan and Tajikistan. They came together. They formed a network of NGOs that were able to strengthen their advocacy skills and also provide direct legal assistance.

There has been a very strong civic education program going on in Kyrgyzstan. Law students are trained to teach civic education to secondary students. They do it using specialized texts that are printed in Russian, Kyrgyz and Uzbek and other extracurricular activities, like summer camps and debate clubs.

This was also expanded into the religious schools in the Fergana Valley and in other areas of Kyrgyzstan. We taught, for the first time in religious schools, the civic education that included the laws of Kyrgyzstan and the rights and responsibilities of all Kyrgyz citizens. We brought these kids together, both secondary and religious school students, we brought them together for the first time in these extracurricular activities, so they could meet and connect, sometimes for the very first time and the only time. These civic education centers, of which there are five, are still functioning independently.

Currently, we are working with the State Department's Bureau for International Narcotics and Law Enforcement to work with the lawyers in

Kyrgyzstan, trying to increase the skills of the defense bar, so that when they go into court, they have a level playing field with the prosecution.

We are also working on an anti-trafficking program, trying to increase the skills of the judges, prosecutors, and lawyers in Kyrgyzstan so they have a strong legal response to anti-trafficking.

With emergency funding from INL, we are working on the election process. We are training citizens, excuse me, educating citizens, rather, on their rights and obligations under the election code. We are providing a bench book for judges and a guidebook for lawyers, so that when complaints and election violations are discovered and filed, they will know the best way to handle it.

I think the way forward also with this is that with additional support from the United States, these activities can be expanded, and the crosscultural activities, especially in the Fergana Valley, can be expanded. Civic education can be expanded to other schools in the south part of the region. We can continue to strengthen legal NGOs, and we can continue to provide direct legal access to the citizens of Kyrgyzstan.

There is a lot to be accomplished in Kyrgyzstan. But I believe that working on a grassroots level, training local community members in a culture of rule of law so that they understand that the rule of law can be used to settle local disputes and to protect local rights, that rule of law culture can be established with additional steady support from the United States Government.

This is a generational issue. It takes time. But I believe that, with support, the new generation of Kyrgyz citizens can one day live in a stable country that is ruled by rule of law. Thank you.

[The statement of Ms. Wright follows:]

PREPARED STATEMENT OF DONNA WRIGHT

Testimony of Donna H. Wright
Director, Europe and Eurasia Division
American Bar Association Rule of Law Initiative
Before the Tom Lantos Human Rights Commission
Hearing on Kyrgyzstan
July 1, 2010

Mr. Chairman, members of the Commission, thank you for holding this hearing and inviting the ABA to testify here today.

With funding from the State Department and USAID, the American Bar Association Rule of Law Initiative (ABA ROLI) has worked on rule of law development in Kyrgyzstan since 1993 when we opened our main office in Bishkek. In 2001, ABA ROLI opened its office in Osh, working on cross-border initiatives, civic education programs and citizens' rights advocacy networks.

Since ABA ROLI began working in Kyrgyzstan, a great deal has been accomplished. In 2002, legal professionals from Kyrgyzstan, Tajikistan and Uzbekistan came together and formed the first all-inclusive bar association in Central Asia consisting of judges, lawyers and prosecutors. The Ferghana Valley Lawyers Without Borders still functions today, providing direct legal assistance.

ABA ROLI worked to establish a nation-wide system of civic education centers, where law students are trained to teach civics to secondary school students utilizing specially prepared texts and extracurricular activities such as debates, essay contests, quiz

games and summer camps. From 2007 through the spring of this year, this program was extended to students attending religious schools. The extracurricular activities that ABA ROLI sponsored provided an opportunity for the secular school students and the religious school students to meet and connect with one another. It enriched both of their educational experiences.

ABA ROLI has established Citizens' Advocacy Networks, worked with NGOs to provide legal aid to disadvantaged populations, and introduced a culture of pro bono legal service to the legal community. This pro bono culture was accepted with enthusiasm by the lawyers in Osh and Jalalabad. These lawyers established a legal clinic at the border crossings with Uzbekistan, providing free legal advice to day traders and other travelers encountering difficulties at the border. Lawyers from the Ferghana Valley also formed traveling legal clinics, where two or more lawyers would travel to remote areas in the valley to provide direct legal assistance on weekends and their days off.

ABA ROLI has trained defense lawyers throughout Kyrgyzstan by providing continuing legal education on topics ranging from individual rights defense under Kyrgyz law to legal writing skills. With funding from the State Department's Bureau of International Narcotics and Law Enforcement Affairs, ABA ROLI is currently working with the advocates Training Center in Bishkek to establish a sustainable and standardized method of delivering continuing legal education to defense attorneys, with the goal of having a level playing field between the defense and the prosecution in Kyrgyz courts.

With funding from the State Department's Office to Monitor and Combat Human Trafficking, ABA ROLI is implementing an anti-human trafficking program. The program works with judges, lawyers and prosecutors to strengthen the legal response to human trafficking in Kyrgyzstan.

Working at a community level and promoting a rule of law culture helps ensure that citizens will view the rule of law as a tool to solve local problems and protect local rights. ABA ROLI depends largely on local stakeholders, partners and staff, training them and building their capacity to become leaders in rule of law reform. All of our programs include capacity and institution building, along with a sustainability plan which leaves in the communities a cadre of trained and dedicated local reformers.

Currently, ABA ROLI staff in Kyrgyzstan are implementing an election program designed to train the legal community to address election complaints and violations, utilize the existing civic education centers for rapid voter education and provide direct legal consultations, including onsite assistance at select voting precincts. With the challenges posed by the transition in government, additional U.S. support through supplemental funding from the State Department for on-the-ground rule of law programs is needed. ABA ROLI will continue citizen education in preparation for the parliamentary elections this fall. ABA ROLI envisions a significant amount of education will be necessary for the citizens to understand and appreciate what the new constitution means to them and for their rights. Under our current program, ABA ROLI will develop a bench book for judges and a guidebook for lawyers to assist them in addressing election violations and complaints under Kyrgyz law. We will train legal observers to spot and report abuses. We will provide on-site legal assistance at precincts where issues are expected to arise.

With additional funding, ABA ROLI could re-establish support to cross-cultural efforts in the Ferghana Valley, including legal professional organizations, legal advocacy NGOs and access to justice for marginalized populations. The civic education program could be expanded to reach more villages in the south with an emphasis on equality and individual rights training. Lawyers and judges could continue to be supported in their efforts to become more independent and objective.

With the adoption of the new constitution, issues will arise involving implementing laws and regulations. Although the new constitution supersedes all previous constitutions, it leaves in place all the supporting laws of the previous constitution. These laws will have to be harmonized with the current constitution, and new laws will have to be drafted. The legal community, including all the newly appointed judges, will have to be trained on these legislative changes and their implementation. ABA ROLI could also provide legal guidance on the establishment of accountability and anti-corruption mechanisms throughout government.

In conclusion, while it is widely agreed that much remains to be accomplished in Kyrgyzstan, with increased international support, a culture of rule of law can be established at a grass-roots level. This is a generational issue, and with increased, steady support from the United States the new generation of Kyrgyz citizens can live in a stable country governed by the rule of law.

Cochairman McGOVERN. Thank you very much.
Mr. McGlinchey.

STATEMENT OF ERIC MCGLINCHEY, ASSISTANT PROFESSOR AT THE GEORGE MASON UNIVERSITY

Mr. McGLINCHEY.. Thank you very much for inviting me to contribute today. I am a political scientist so what I will be doing is providing analysis and not so much prescription. I am here to try to explain why I think the June 2010 events happened. And I will do this in three steps.

The first thing I would like to do is point your attention to the fact that what happened in June 2010 is very different than what happened, for example, in Andijan and Uzbekistan in 2005. And this difference is critically important. In Andijan, we had a state committing human rights violations. In Kyrgyzstan last month, we had basically mobs committing human rights violations.

And what I would like to do is provide a brief causality for why I think we have this variation, and more to the point, why the Kyrgyz state is so unstable and thus permits this environment where human rights can be violated by mobs, whereas the Uzbek government is considerably more stable. That is the first thing I would like to do.

The second thing I would like to stress, and I think this is critically important, because I haven't seen this very much in the press and in the reporting on the June 2010 events, but I would like to stress that June 2010 was not inevitable by any stretch of the imagination. Rather June 2010 was a product of the failure to a large extent of the interim government in Kyrgyzstan. And I will point to three aspects why I believe that is the case.

And then, in the third section of my comments, I would like briefly to suggest one policy prescription. And this policy prescription doesn't come out of any kind of -- let me back up. This policy prescription comes out of my own causal analysis rather than something I just believe the United States should do.

These three points.

Briefly, why is Kyrgyzstan different from Uzbekistan? And more to the point, why does Kyrgyzstan just allow this environment of political instability, which in turn allows for a mob violence? Briefly, the reason for this is actually, you can trace this back to the Soviet period. And if I could just provide a sketch here, we had riots in Central Asia during Perestroika under Gorbachev. But the way Gorbachev handled these riots was fundamentally different in Kyrgyzstan than in Uzbekistan and Kazakhstan.

In Uzbekistan and Kazakhstan, Gorbachev intervened both times and restored political order.

In Kyrgyzstan, Gorbachev didn't intervene. This was in June 1990. He basically said to Kyrgyzstan, you are on your own. And so what happened is we have a variation of legacy of Soviet rule in these three countries. Uzbekistan and Kazakhstan were, in essence, the leaders were able to bring their communist party, albeit under a different name, into the post-Soviet period. They had a very large party. They were able to maintain stability through this party.

Kyrgyzstan was a basket case. My adviser at Princeton calls its Trashcanistan. The political leaders in Kyrgyzstan were fragmented. It was very small because, again, Gorbachev didn't intervene to restore order. And the nature of this elite is it is very hard to maintain control when you have a small fragmented political elite. The political elite knows that it can band together to overthrow the executive.

In the Uzbek and Kazakh case, it is much more difficult when the Uzbek or Kazakh executive can reach into this big party and pull out new supporters when anyone within its inner circle becomes disloyal. So they are fundamentally different countries, and this is allows for an environment of instability in Kyrgyzstan.

So, again, this is why I would say that we had the opportunity for violence in Kyrgyzstan because the state failed, and the state repeatedly failed; whereas we know in Uzbekistan, where we know human rights violations to be something as state committed, this is a direct legacy of the nature of these regimes, the direct legacy of Soviet intervention and nonintervention.

That said, June 2010 was by no stretch of the imagination inevitable. The violence we saw in previous weeks was not a given. And I would like to contrast this to March 2005. We had a similar series of events in March 2005 where the previous, the first president of Kyrgyzstan was overthrown, Askar Akayev, and Bakiyev came into that power, the guy who was just overthrown in June 2010. But we did not see the instability that we saw.

Rather, what we saw was Bakiyev reaching out to political elites, many of them political elites who were once loyal to the previous president, Askar Bakiyev, to restore political order. We don't get this in June 2010. We don't get it for three reasons.

I think the first and most fundamental reason why we don't get political order in June 2010 is the interim government led by Roza Otunbayeva has very weak regional networks in the south. Otunbayeva is from the south, but she spent most of the post-Soviet period down the road here in Washington as ambassador and the U.K.'s ambassador and also as a special representative for the United Nations in Georgia. She has very weak connections.

The rest of the interim government, is a mish mosh. Some have some local connections in the south. Others don't. So, right there, this produces an environment where if you are, say, an Uzbek who long thought that your rights have not been represented adequately under the government, this is a situation that is ripe for you, because the government is so weak in the south, to begin pressing your demands.

The Uzbeks saw this as an opportunity, and I think, and they have legitimate grievances to press the government for more local autonomy, local authority. We actually saw something like this unfold in Jalal-Abad under the Uzbek politician Batyrov.

So that is the first thing.

The second thing that is critical to keep in mind is that Otunbayeva could have resolved this challenge, this challenge of not having strong southern networks, had she not done one critical mistake, had she not committed one critical mistake, and that is disbanding the Kyrgyz parliament on April 7, 2010. Had she maintained the parliament, that is the parliament that was elected under the previous leader, she could have reached out to critical elites in the south to rebuild networks of authority and make sure that what happened in June 2010 wouldn't have happened.

So that is the critical mistake I think the government made. This is, essentially, she failed authoritarianism 101. And perhaps she failed because she wants to be a democrat. I am not quite sure. But this produced the environment of instability. She could have prevented this.

The last thing I would like to point your attention to is the new sense of agency, and this is going to be a big problem for Kyrgyzstan for a long time, the new sense of agency that the Kyrgyz population, particularly the Kyrgyz mob population, the group of youth, young men, unemployed men. In 2005, when they marched on Bishkek. It took them 2 weeks to get from the south to Bishkek, and then they pushed the gates of the White House, the Kyrgyz White House, and I think they were very surprised to find how easily that gate fell down. They didn't expect it.

In June -- in April of 2010 and in June 2010, the mobs knew that through

violence they could achieve the very outcomes that they wanted to achieve. There is a sense of power through mob rule that has developed in Kyrgyzstan, and I am not quite sure how the Kyrgyz government is going to be able to get past this.

And I point your attention to a paradox, the very power that brought Otunbayeva into office is now the very power that threatens her continued rule and the interim government's continued rule. This is a major dilemma for the government.

The last thing, and I won't go too far into this, is just one simple policy prescription for the United States. We had for a long period stability in Kyrgyzstan. From 1991 to 2001, you had fairly stable rule in Kyrgyzstan under Askar Akayev. The reason for this is Askar received what I call diffuse aid from the United States and other governments to bring about democratization reform and economic reform. It was very hard for Akayev to capture these financial flows that were coming into the country to bring about economic and political reform.

In 2001, the United States opened its base in Manus, and through the executive capture of the fuel contracts to Manus, Akayev began to expropriate huge amounts of money personally to himself. This really ticked off the Kyrgyz political elite and led to his downfall in 2005.

The same thing happened with Bakiyev. This political elite's sense of frustration for the lack of sharing economic resources primarily due to the fuel payments to the Manus Air Base leads to enduring instability in Kyrgyzstan.

So if the way forward is the United States wants to contribute to political reform in Kyrgyzstan, one thing that I think it would be behoove the government to do is figure out a way to make these payments to Manus more transparent and less capable of being captured by the Kyrgyz executive.

[The statement of Mr. McGlinchey follows:]

PREPARED STATEMENT OF ERIC MCGLINCHEY

Statement of Dr. Eric M. McGlinchey
Assistant Professor of Government and Politics
Department of Public and International Affairs, George Mason University
Before the Tom Lantos Human Rights Commission
United States Congress
Washington, D.C.
July 1, 2010

Co-Chairman McGovern, Co-Chairman Wolf and members of the Commission,

Thank you for the opportunity to address the growing political instability and recent deadly violence in Kyrgyzstan. I divide my remarks into three sections.

Kyrgyzstan's recent human rights violations are the product of state failure whereas the rights violations that typify other Central Asian states, most notably Uzbekistan, are the result of capacious autocratic governments. Section one of my comments provides a brief explanation for why state failure is a constant of Kyrgyz politics while strong autocracy is the norm in states like Kazakhstan and Uzbekistan.

In section two of my comments I demonstrate that state failure need not invariably lead to deadly ethnic riots. The June 2010 street violence in Osh and Jalal-Abad in many respects is puzzling. Kyrgyzstan has seen previous periods of executive overthrow and political instability, for example the toppling of President Askar Akaev in March 2005, yet these earlier events did not produce the horrific interethnic conflicts we witnessed last month. The solution to this puzzle, I argue, rests in what I call the double failure of Kyrgyz politics in the spring of 2010: (1) the collapse of the Bakiev regime in April and (2) the strategic shortsightedness of the successor regime that followed Bakiev and is currently in power in Bishkek.

Lastly, in section three, I explore the policy challenges Kyrgyzstan's state failure presents for international partners broadly and for the United States government in particular. Here I conclude by suggesting that while democracy is a goal that, with outside support, Kyrgyzstan might eventually reach, Kyrgyzstan's international partners must ensure that bilateral engagement does not further destabilize Kyrgyzstan's already tenuous political environment.

I. Enduring Kyrgyz Instability

Kyrgyz political instability and, in contrast, the comparative stability we see in neighboring Central Asian states like Kazakhstan and Uzbekistan, is a direct legacy of the Soviet period. In the second half of the 1980s Soviet General Secretary Mikhail Gorbachev and the central Communist party leadership intervened in Kazakhstan and Uzbekistan to restore political order in the wake of violent mass protests. Gorbachev intervened in Kazakhstan to restore order following the December 1986 mass uprising against the appointment of an ethnic Russian to the republic's top administrative post. Moscow intervened in the region again in June 1989 when ethnic riots in Uzbekistan's Fergana Valley undermined First Secretary Rafik Nishanov's authority. Gorbachev did not intervene, however, in June 1990, when deadly ethnic riots on the Kyrgyz side of the Fergana Valley eroded the legitimacy of First Secretary Absamat Masaliev and led to the fragmentation of the Kyrgyz political elite.

In an effort to sideline establishment elites opposing perestroika reforms, in February 1990 Gorbachev decreed an end to the Communist Party's monopoly hold on power. Gorbachev's goal at the time was to revitalize the party and eliminate "dead wood" through political competition. In the Kyrgyz case, competition eliminated Masaliev and, with him, the elite unity that once characterized the Kyrgyz polity. Whereas Islam Karimov and Nursultan Nazarbaev carried their united parties, albeit under new names, into the post-Soviet period, the new and narrowly elected Kyrgyz executive, Askar Akaev, struggled to solidify authority while balancing the competing interests of Kyrgyzstan's narrow and fragmented political elite.

These diverging legacies of perestroika have had a profound effect on how Kyrgyz, Uzbek, and Kazakh elites make decisions. Coordinated attempts to overthrow the executive are considerably easier to mount when potential elites are few in number, as in the Kyrgyz case. Elsewhere I have likened the Kyrgyz executive to the pilot of a small Cessna airplane. The president must remain attentive to the demands of the few influential elite riding in the passenger cabin. Should the executive expropriate rather than share state wealth, this narrow Kyrgyz elite can readily coordinate a mutiny.

By contrast, coordinated collective action is a considerably more risky proposition in Uzbekistan and Kazakhstan. Those who are lucky enough to find themselves in Karimov's and Nazarbaev's ruling coalitions are unlikely to revolt because these elites understand that the likelihood they will be brought back into the inner circle of the next leader is low. A small number of Karimov's or Nazarbaev's ruling coalition members may occasionally defect, but given the hundreds of party members in these executives' 747 passenger cabins, the ability of elites to coordinate a cascade of defection is limited. Karimov and Nazarbaev in turn, because they know ruling coalition elites are unlikely to defect, are considerably more free than their Kyrgyz counterpart to use state wealth as they desire—for personal enrichment, building coercive capacity, investing in public goods, or bids to advance their international prestige.

II. Explaining Variations in Post-Coup Kyrgyz Violence

Soviet legacies, though they help us understand frequent executive turnover in Kyrgyzstan, do not explain why deadly violence followed the April 2010 Kyrgyz coup while no such violence emerged following Akaev's overthrow in March 2005. Comparative analysis of the 2005 and 2010 Kyrgyz state failures suggests that the June 2010 violence In Osh and Jalal-Abad can be attributed to the following three factors:

1. The 2010 interim government's near absence of links to regional and familial networks in Kyrgyzstan's south
2. The 2010 interim government's decision, immediately upon assuming power, to disband the parliament
3. Protestors' expectation in 2010 that, through violence, political change at the local and national level could be achieved

Regionalism

Although Roza Otunbaeva, the leader of Kyrgyzstan's current interim government, was born in Osh, she has spent approximately half of the post-Soviet period abroad, serving as Kyrgyz ambassador to the United States, ambassador to the United Kingdom and as deputy director of the United Nations mission to Georgia. In contrast Otunbaeva's predecessor, Kurmanbek Bakiev, maintained deep connections to his home town, Jalal-Abad, the second largest city in Kyrgyzstan's south. These diverging executive networks of regional influence have had profound effects on state-society relations. For example, whereas an Uzbek activist would not press the new Bakiev government in March 2005 for greater language and self-rule concessions, this same activist would see the 2010 Otunbaeva government, due to its lack of regional networks in the south, as less capable of dismissing ethnic Uzbek demands for greater rights.

The Uzbek politician Kadyrjan Batyrov appears to have done exactly this. In May 2010 Batyrov assembled what, in essence, was his own police force so as to protect ethnic Uzbeks living in Jalal-Abad. Ethnic Kyrgyz in Jalal-Abad not only perceived Batyrov's militia as an immediate threat, they also saw the militia as a threat that Otunbaeva, due to her weakness in the south, could not control. This spring 2010 combination of Uzbek elite's seeing the political environment as ripe for pressing for greater minority rights and of southern ethnic Kyrgyz fearing the interim government would be unable to limit growing Uzbek demands, activated an Kyrgyz-Uzbek ethnicity cleavage that had long remained dormant.

The Parliament

Otunbaeva's and the interim government's comparative lack of southern ties, importantly however, was a challenge that could have been overcome had the interim government not issued a decree on April 7 disbanding the Kyrgyz parliament. Critically, disbanding the parliament was not a mistake that Bakiev made when he assumed power in 2005. Rather Bakiev turned to the parliament, a parliament that was overwhelmingly stacked with supporters of the ousted president, to negotiate deals with and thereby secure the allegiance of Kyrgyzstan's northern political elites.
Otunbaeva and the interim government, in contrast, unnecessarily hamstrung their ability to project power in the south by dismissing the parliament. In short, the interim government's April 7 decree eliminated any chance of using the legislature as a

bridge to critical southern members of parliament who could have helped the interim government project power beyond Bishkek and into Osh and Jalal-Abad.

Protestors' Enhanced Sense of Agency

In March 2005 it took two weeks for the violent protests that began in the south of the country to unseat president Akaev in Bishkek. In April 2010 it took two days for the street violence that began in the western city of Talas to bring down the Bakiev government in Bishkek. Whereas the quickness with which Akaev fled likely surprised many in 2005, street protestors in 2010 fully expected that storming the Kyrgyz Whitehouse would lead to the quick toppling of the Bakiev regime.

The challenge that Otunbaeva and the interim government now must confront is that this newly developed sense of violent mob agency, the very force that brought them to power in April 2010, is the same force that helped spark the horrifically bloody riots in Osh and Jalal-Abad in June 2010. Disavowing elements of Kyrgyz society of their new penchant for violent protest will not be easy and will likely only be achieved if and when the interim government establishes a monopoly of force as well some degree of political legitimacy.

III. Policy Options

The United States government has provided democracy assistance to Kyrgyzstan for the better part of two decades yet Kyrgyzstan today is no more democratic and is considerably less stable than it was immediately following the Soviet collapse. Kyrgyzstan's autocracy and instability may not be a direct product of failed democratization assistance, but autocracy and instability has been enhanced by other forms of US engagement with Kyrgyzstan.

Prior to 2001, the lion's share of resources available to the Kyrgyz executive came from international economic and political reform aid. Reform aid is difficult for an executive to expropriate. The best president Askar Akaev could do, for example, was to appoint Kyrgyz elites as directors of the organizations targeted by this diffuse reform aid and thereby build his patronage network. In short, the nature of reform aid forced Akaev to share the wealth among Kyrgyzstan's narrow and fragmented political elite.

The post-September 11, 2001 arrival of readily exploitable financial flows in the form of executive-controlled fuel contracts for the U.S. airbase at Manas, in contrast, led to first president Akaev's and later president Bakiev's outright expropriation of state wealth. This disproportionate expropriation of wealth did not sit well with Kyrgyzstan's narrow political elite and, in short order, led to the overthrow of first Akaev and then Bakiev.

While I do not dismiss the possibility that sustained democratization assistance may eventually help bring about liberalization in Kyrgyzstan, US assistance will not be effective as long as Washington fails to address the destabilizing effects opaque Manas airfield payments have on Kyrgyz politics. Nonprofit governance organizations like the National Democratic Institute and the International Republican Institute continue to work tirelessly to support political reform efforts in Kyrgyzstan. All of these efforts will fail, however, if the US government does not first insure transparency in all financial transactions linked to the Manas Transit Center.

Cochairman McGOVERN. Thank you very much.

Before we go to questions, I want to recognize my colleague from Pennsylvania, Congressman Joe Pitts, and ask if he has any statements or comments.

Mr. PITTS. Thank you, Mr. Chairman, for holding this important hearing on the recent ethnic violence that occurred in the southern part of Kyrgyzstan.

It was painful to witness the violence from afar that flared up in Kyrgyzstan that prompted tens of thousands of Uzbeks to flee their homes and places of birth and seek refuge in the neighboring countries and to see the innocent people, many of them injured and killed. But for several years I have worked with the nations along the old Silk Road in Central Asia. It pains me to see those families fleeing violence in their homeland.

Approval of the new constitution, the general elections were proceeding smoothly until that violence. And despite the violence, the interim government I think was able to conduct the referendum as scheduled and undertook, it looks like, some heroic efforts to include as many citizens as possible.

Looking ahead, the government faces many challenges. To begin with, I think they just must bring to justice those who took part in recent violence, ensure that its military and police do not commit any abuses, such as those reported last week.

According to the OSCE, despite challenging circumstances, Kyrgyzstan's authority succeeded in creating the necessary conditions for the conduct of the peaceful constitutional referendum. And so I am optimistic that the interim government will build on this foundation to ensure that the parliamentary elections planned for October are conducted in full accordance with international standards.

The government of Kyrgyzstan should use its new legitimacy to take immediate steps to restore order and rule of law and develop the democratic process by promoting open dialogue and participatory inclusive system of elections, and it needs to address the underlying political and social and economic tensions that divide Kyrgyz society, regardless of ethnic background, and rebuild confidence in the minority Uzbek community.

And finally, the government must support a full and fair international investigation into the causes of the violence in southern Kyrgyzstan which will serve as a confidence-building measure.

So thank you for holding this important hearing.

Thank you to our witnesses for coming today.

I yield back.

Cochairman McGOVERN. Thank you very much. And you heard all these beeps and buzzes, and that means we have a vote on. So what I would like to be able to do is ask a series of questions, and if we have to leave in the middle to get the votes, then staff here will kind of take down the information, if that is okay with you.

Let me ask, initially, what is the opinion of the Kyrgyz population about the U.S. presence and involvement in the country? We talk about all the different things that we should do. I am just curious. How is the perception of our assistance by the average person there? How is it perceived? Anybody can answer.

Mr. GOLDSTEIN. Mr. Chairman, I would say that the first thing we have to realize is that the United States is not, in the minds of most Kyrgyz, the essential outside player. I think that, for example, Russia is seen as much more germane. You see this just in the fact that so many young Kyrgyz go to work in Russia because there is no work at home.

I think to the extent that people focus on the United States, right now, the predominant feeling is probably one of skepticism. I think this is due to the fact that most people believe that the U.S. Government propped up the Bakiyev regime in order to keep Manus open, and that is why I think that the rhetoric that the United States is using now about doing nothing that will -- except to support the good of

Kyrgyz people now needs to be backed up by action. And I think the humanitarian assistance that United States is providing, in the first instance, is a good step in that direction.

Ms. DENBER.. I would just supplement that by saying that I think that there is a sense among people in Kyrgyzstan and other countries of Central Asia that the United States views these countries not as ends in themselves but as a means to an end, that the United States views Kyrgyzstan and Central Asia as a part of a network of transit routes, which it is. It is a network of transit routes. But I think that there is a kind of resentment that the only interest that the United States has in Kyrgyzstan is because of the base, because of its proximity to Afghanistan, because of the need to stop illicit drug trafficking and the like.

I think the people in Kyrgyzstan want to have the United States understand what their -- understand and respond to what their own needs are instead of being treated as kind of an instrument to something else.

Ms. WRIGHT. Again, my perspective is a bit different from that because, with the American Bar Association Rule of Law Initiative, we are working at a grassroots level. We are working directly with teachers and with students and with legal professionals. And from their point of view, I think that they are pleased to have the colleague-to-colleague support. I know that the students and the teachers and the schools are very pleased to have that kind of support.

Cochairman McGOVERN. You may have mentioned this before.

Who provides the funding for the work that you do?

Ms. WRIGHT. USAID does and the State Department with their INL and then DRL.

Mr. McGLINCHEY.. Let me be blunt and speak directly to your question about the base.

First off, most people probably don't pay attention to it. Those who did are ticked off, and they are ticked off for the following reason: It is very clear who is profiting from this.

Under Askar Akayev, if you read Kyrgyz press, it was widely reported that his son was the main beneficiary from the fuel contracts, and that angered a lot of people. In fact, that was probably one of the major drivers behind the 2005 protest.

The same thing happened under Bakiyev and his son Maxim, and when you see the president's family directly benefiting from opaque payments to the government, it angers people.

But again, I would like to put the caveat in that most people don't pay attention to this, but those who do pay attention are angered by it.

Cochairman McGOVERN. I know you mentioned the issue of the internally displaced persons and the refugees, and recent reports have indicated that refugees are returning en masse from Uzbekistan. And I guess the question is, do you believe that international relief agencies are prepared to handle the return of several thousand people to an area with a destroyed home or with destroyed infrastructure?

Do we have that capacity in place?

Ms. Denber.

Ms. DENBER. I think the resource capacity is in place. I think there has been a rather successful U.N. appeal for assistance. I think more will be needed, though. There was an appeal for $71 million to repair homes and provide humanitarian assistance. Let's bear in mind that at least 2,000 homes have been destroyed, and each one of those homes probably houses about seven people, so that gives you a sense of the extent of the destruction.

But as I said in my oral testimony, without the security infrastructure to make sure, without the proper security infrastructure, the reconstruction effort and the delivery of humanitarian assistance is going to be frustrated and complicated. Security is really the sine qua non for all the rest that needs to follow.

Cochairman McGOVERN. We have about 5 minutes left.

Do you have a question Joe?

Mr. PITTS. I want to follow up with the professor. I know we have to go vote.

You mentioned the difference in this latest incident, mob violence, compared to government-instituted violence in Andijan. You didn't say anything about the incitement or the rumors we hear of incitement by certain relatives of the former deposed president. Do you want to comment on that?

Mr. McGLINCHEY.. Yes, Congressman that is a great question. And I am glad you brought it up.

I think you are absolutely right to point to these rumors. The thing that I would say is these rumors are a constant of Kyrgyz politics. So we always have rumors like this. We had rumors like this following Akayev's fall in 2005 as well. So I think you are absolutely right that these rumors precipitated the events that we saw.

At the same time, there are critical failures of the interm government that allowed these rumors to reach the level that they did and reach the violence that we saw manifested.

So I think you are right to point these out. But what I would stress is rumors like this are actually a constant in Kyrgyzstan. So we have to look at the structural environment that allowed them to bring about the violence they did.

Mr. PITTS. What is the status then, the situation of those who remain loyal to Bakiyev and the others? How much strength and support do these groups have?

Mr. McGLINCHEY.. Again, a good question and one that actually a colleague from USAID posed to me, and I responded to the question this way: If it were so easy for the loyalists of Bakiyev to bring about this violence, and they talk about 500 men who did this, if it were so easy to do this in the first place, my question would be, why did it end so quickly at precisely the moment where Bakiyev and his supporters really could have brought down the regime?

So I think the actual ability of the Bakiyev and his supporters to maintain something protracted is actually quite limited because it stopped at right the moment where it really had a chance to bring down the government.

Cochairman McGOVERN. Thank you very much.

For the record, I am going to designate the staff director to continue the questioning if that is okay with the panelists. Unfortunately, this series of votes came unexpectedly. I am sure we are doing something important like naming a post office, but we can't miss that vote. But I appreciate it.

Mr. HOGREFE. Just for the record my name is Hans Hogrefe. I am the Democratic staff director. And my colleague is Elizabeth Hoffman, the Republican staff director. As per the direction of the chairman, we will address some of the questions that the members have drafted and take your responses for the record as well. Thank you very much for agreeing to that while the votes are pending. And of course, if the members are able to return in time before our hearing is concluded, they will take back over.

Let me ask you, in your expert opinion, what are -- I think that you have already explained part of this question, which is the structural problems that led to the corruption and the tension and all this, but can you go more into depth in terms of the root causes of the confrontation, particularly between the Uzbek minority and the Kyrgyz population?

I know that we talked about and you hinted at this to some extent to the fight over land rights and water access and what, if any, model is there to de-escalate any of the ethnic tensions so that we don't have a full-fledged ethnic conflict there as well, rather than a mob against the government or the rule of government?

Whoever wants to answer.

Mr. GOLDSTEIN. I just wanted to step back and respond a little bit to

Chairman McGovern's question about the refugee returns, because I think one of the things that has been amazing in watching this is you had 90,000 to100,000 people flow over the border in fear of their lives and then return home almost to a man and woman within a couple of weeks. I think there are significant questions that need to be addressed in terms of the extent to which these people were coerced by Kyrgyz and Uzbek governments. And I think this is another reason why the international investigation is so important in addressing this because many of these people, as Rachel noted, don't have homes to come back to. They are in IDP camps, or they are living 50 people to a house in the homes of relatives in very difficult conditions.

Ms. DENBER. I would like add to that and then address your question, Mr. Hogrefe.

First, I would like to say that I was rather surprised to see an assessment by the UNHCR that the returns from Uzbekistan did not seem to be coerced because the very statements, the very statements that the UNHCR referenced and attributed to the returnees certainly indicated to us that the choice was not, it was not fully and freely made.

The international standard for returns, on right to return, on the rights of people who were displaced and with respect to their return, is that returns should happen in an environment of safety and dignity, that there have to be guaranties of safety and dignity. And I don't think there is anybody who could say that the people who, that the refugees in Uzbekistan had any confidence that they were going to return to an environment of safety. They were still terrified. The people who we interviewed told us that they had tremendous anxieties.

And certainly returning to an environment where there are still no tents set up, where they are going to have to live 50 people to a house, where their house is in ruins, that is not a return in dignity.

So when we heard statements that they were referenced in UNHCR statement and also things people that, things that people told Human Rights Watch about how there have been government officials from Kyrgyzstan, from the south, who would come to the refugee camps to say, you have to come back because you have to vote in the referendum; you have to. You have to vote in the referendum, and if you don't vote in the referendum, then, okay, you have lost your passport. If you vote in the referendum now, then you will get your passport back really fast. It is not, well, we can't guarantee anything for you. You don't need to say a lot. You don't need to say if you don't come back, terrible things are going to happen to you. You don't need to say a lot to instill a lot of further anxiety in people.

Some people clearly just wanted to get back to the rest of their families, but I think there was a real push factor there.

To answer your question about inter-ethnic tensions or inter-ethnic violence I just want to say one thing and that is that there is no question that the violence was targeted by ethnicity. Houses were marked KG, Kyrgyz. Entire ethnic Uzbek neighborhoods were destroyed. We all know that now. But I think it would be really wrong to say that this happened because people, because ethnic Uzbeks and ethnic Kyrgyz hate each other or have these or allowed their resentments or their, just people are people. People have resentments, and people have prejudices.

But I don't think that this violence, I don't think for one instance that this violence in any way motivated or catalyzed by any kind of resentments.

There are perceptions in southern Kyrgyzstan that ethnic Uzbeks hold the economic power. They control the markets. They are wealthier. And there are perceptions on the part of ethnic Uzbeks they were disenfranchised politically, they didn't have political power proportionate to their economic power, that they were underrepresented in parliament, that they were underrepresented in government agencies. But I don't think for 1 minute that is what caused this violence.

Mr. HOGREFE. Thank you Rachel.

Does anybody else wish to comment?

Ms. WRIGHT. The only thing that I could add to that is that the majority of NGOs and civil society organizations that we have worked with in Kyrgyzstan have been multi-ethnic.

Mr. HOGREFE. Professor.

Mr. McGLINCHEY.. Briefly, the structural environment within which actors behave or act is conducive to any number of identity cleavages in society.

And I would agree with what Rachel has said. And there is no as ascriptive time immemorial animosity between Uzbeks and Kyrgyz.

What there are, are fears and fears of insecurity. And when one group perceives that it may be losing its position relative to another group, then perhaps some of these identities may be activated.

They can be regional identities. They can be familial identities. They can be quote-unquote clan identities, or they can perhaps be ethnic identities. But there is nothing innate to Uzbeks and Kyrgyz which predestines them to a horrific future of enduring conflict.

Mr. HOGREFE. Thank you, because I think that was a very important aspect of the whole discussion, and thank you very much for your very clear views and your very good explanations on that matter.

Let me ask you, I think Congressman McGovern had already pointed out that, by and large, the whole region is a little bit of a mystery to the majority of Americans, but certainly also here in the U.S. Congress, it is not something we deal with on a daily basis.

Another such entity, and I want to talk to you a little bit more about that entity and any possible involvement, is the Shanghai Corporation Organization.

How does that fit in with, in these regional conflict areas? Because what exactly Shanghai Corporation Organization does is a bit of a mystery to us, to me personally, quite frankly. Is that something that you think could play a stabilizing effect? Does it have anything to do with this whole thing? Or how do you see that?

Mr. GOLDSTEIN. I think if you took a look at the quite pathetic statement that the SCO managed to put out about a week after the violence, you will pretty much realize they have taken themselves out of this game.

I think that is quite logical because of the three components of it, the Central Asians, the Russians, and the Chinese, all have different interests in here. And this is even bedeviling the CSTO, the security arm of the CIS, which even takes China out of the equation, but you still have a situation, for example, where the Russians look at Kyrgyzstan and part of their decision matrix has to be, well, if we go in, how are the other Central Asian countries going to act. And Karimov has made it exceptionally clear that he is absolutely and to the death opposed to the introduction of Russian troops into Kyrgyzstan no matter how bad the situation is.

So I would have to say that these organizations have definitely shown their limits, which is somewhat ironic in that they were set up in an effort to expand the role of some of their leading players in the region.

Mr. McGLINCHEY. I would like to briefly remind everyone that the Russians actually did send troops to Kyrgyzstan, but they sent troops to the north of Kyrgyzstan to their air base in Kant. They sent paratroopers, and of course, there was no threat to the air base.

But I would like to say that even though the CSTO was, as, Jeff, you know, very ineffective in this case, I think there is a new dialogue in Moscow that at least is entertaining the possibility of intervention in Kyrgyzstan. And this dialogue did not exist in the past.

There is a history of Russian intervention, of course, in Central Asia and in precisely this region. And I think the irony, or perhaps this is a hopeful thing, is the one power that could perhaps could restore order and be respected by both Uzbeks

and Kyrgyz in this one case would be Russians. But I think Jeff is correct that so far there has been a lack of will to match this new discourse.

Mr. HOGREFE. Going back to the crisis of the refugees, and returning refugees in particular, I think we were able, we found some reports online that have really rather dramatic satellite images of Osh and the houses that have been destroyed and all this.

Other than the infrastructure, what other urgent needs are there that the international community needs to intervene on? What, for example, is the food situation? I know Jeff referred to the possible onset of winter and how harsh it is.

What can the U.S. Government and the international community do basically take care of the most immediate needs? It will obviously be quite a while before all the destroyed infrastructure can be replaced. But as these refugees are returning, what options do U.N. agencies and U.S. Government agencies really have, and where is the greatest need in your assessment?

Ms. DENBER. Two things. First, in terms of what is needed, I think, in addition to reconstruction, obviously food. Many people are being hosted by families and relatives, and they are going to run out of a food supply. I think a lot of the humanitarian assistance that is coming in is going to be food assistance, and I think that needs to continue.

Potable drinking water is going to be a big issue and medical supplies. I think many of the people who -- there were many people who were injured, and they, from what I understand, the treatment that they have received is as good as it could be in southern Kyrgyzstan, which in current conditions isn't so great, and certainly it isn't adequate to what is needed.

We also need to bear in mind that it is not just in the city of Osh or in the city of Jalal-Abad or Bazar-Korgon. It is not just in cities where the destruction happened and where the need is. There are needs in border villages where people are housed with families or in sort of suburbs or other rural settings where people are housed with families.

So international agencies have to make sure that the assistance goes out to those non-urban places as well.

Mr. GOLDSTEIN. I would suggest one thing that really needs to be done very quickly. We were all discussing the destruction of the markets. They really need to be rehabilitated because if people get hooked on food assistance, where does that leave Kyrgyzstan's farmers? And south of Kyrgyzstan is largely agricultural.

So it is very important, because they are expecting a decent harvest this year, to have a place by the fall where the farmers are able to sell their produce back to the populations. If you don't have that, then not only do you have problems having to maintain the urban population, but you have a lack of money in the rural population.

Mr. HOGREFE. Are there any further comments on that question?

Could I ask you, obviously you outlined fairly well the nature of the work that the American Bar Association has been doing in a multi-ethnic environment to ensure the rule of law, to engrain the concept of rule of law, to use the legal system as a way to deal with any possible conflict issues. What do you predict is the future? I know this is asking you to look into a looking glass and do something that may not be quite possible, but what do you hear from on the ground from these projects? Are they continuing? Did this put everything on hold, or how is this working?

Ms. WRIGHT. The projects are going forward. We have a country director, who is Kyrgyz. He has worked with us in our program for 10 years, and we are in constant contact with him. Of course, he is in Bishkek. We do have staff also in Osh.

Temporarily, things in Osh have sort of slowed down. But as far as the other projects going forward in Bishkek, they are going forward. And the attorneys working at the attorney training center in Bishkek are very enthusiastic and very interested in going forward with training on the new constitution.

And one of the things that is interesting about or actually concerning about this is that the new constitution superseded all the previous constitutions, yet the implementing laws and regulations that supported the previous constitution are still in place.

Those laws are going to have to be harmonized, and there are going to have to be new implementation laws passed. There is going to have to be legislation work. There is going to have to be training with the new judges and the new lawyers on these new laws.

The people in Kyrgyzstan are going to have to have training on the new constitution also so that they understand how it protects their rights; they will understand how a system of checks and balances can be used.

Mr. HOGREFE. Can I follow up with you, Donna, on that particular aspect?

Ms. WRIGHT. Yes.

Mr. HOGREFE. The new constitution that also seems to be almost a dream come true for all the attorneys and exactly those projects that you have been working with, can you identify for us key elements that you think should be part of that new constitution, should be different from the current constitution? And is that a vehicle to, almost from the top, strengthen the rule of law, from top to bottom, rather than -- in complement maybe to what you have been working on, which is bottom to top?

Ms. WRIGHT. Well, of course, looking at our American Constitution, we are a big fan of checks and balances in constitutions.

One of the issues that I think that this new constitution has not addressed fully is the independence of the judiciary of being a check and balance on both the executive and the legislative. I don't think that has been addressed, and that is going to continue to be an issue in Kyrgyzstan. We are working very hard with the judges and lawyers to make them more independent. And that is going to be an ongoing factor.

Mr. HOGREFE. Is anybody else having any comments on that?

Mr. GOLDSTEIN. I mean, the debate over the new constitution is the transfer of power away from the president. And on one hand, those who favor this argue that the presidential system has shown itself to be incapable in Kyrgyzstan because it tends to accrue too much power into too small a circle of people.

The interesting question will be, in a country that does not have a great tradition of building coalitions and political compromise, how successful they will be, assuming that there is not a majority party in these elections? And I think that some of the in-fighting within the interim government does give us pause to wonder how this is going to work out.

I think it will be incumbent on the United States through its assistance programs to try and assist the new parliament and new government to deal with what is a very new system for them because Kyrgyzstan has two strikes so far in terms of two uprisings. And each government, as Eric pointed out, has been successively weaker, had a successively shorter bench of capable people. And so it is very important to help them get it right this time.

Mr. HOGREFE. Let me ask you, and maybe this will be one of the last questions, unless we hear very quickly that our members are coming back.

In March 2001, the U.S. pledged to help Kyrgyzstan to build an antiterrorism training center to help train the Kyrgyz defense and security personnel. Do you know anything about that project? Has that pledge been followed through on, or is that still sort of a notional thing?

How would you say the current situation impacts that project? And do we need to reassess this?

And third, the situation in the south, and basically what you have described as general lawlessness and mob rule, how concerned should we be that that provides opening for all sorts of very militant groups that we are always concerned about when

we hear about failed states or a large swath of land that is, in essence, lawless? Whoever wants to take it.

Ms. DENBER. I can start. The counterterrorism center, as far as I know, is still going forward. In fact, I believe that there was just a bid, a Pentagon request for bids that is going out. So I think that it is still very much on track.

Your question about the likelihood of a rise of militant groups in southern Kyrgyzstan, I think that if the government fails to bridge the trust gap that currently exists between the Uzbek community and the authorities, if they drive dissent underground, if they continue, as it looks like they are doing now, to conflate real human rights reporting, like real reporting about the facts as they happened on June 10 to 14, conflate that with inciting ethnic enmity, I think that there is a chance that the Uzbek community will become further alienated from Kyrgyz authorities, even more alienated than they already are. And the Kyrgyz authorities already seem -- and this is very preliminary, and I shouldn't say Kyrgyz authorities because that suggests that it is a national tendency -- what is happening in Osh by the Osh authorities. It seems that they view the Uzbek communities with a significant distrust. It is almost as though they see the Uzbek communities as a dangerous fifth column.

Though conduct of some of the -- I mean, it is perfectly legitimate for the Kyrgyz law enforcement and security forces to conduct sweep operations and policing operations. It is legitimate; it is important and it is necessary. But the way in which the sweep operations and policing operations are taking place in Uzbek neighborhoods now, in some cases they have been quite violent and in some cases include human rights violations, beatings, disappearing of property, et cetera, seizing people, taking them away without saying where they are taking them or when they were coming back.

This is only going to drive a further wedge between the Uzbek community and the Kyrgyz authorities, and that is also a reason why there needs to be international policing presence, because that way there is a possibility for -- first of all, there will be more monitoring of what is actually happening, more monitoring of the police forces. And that will hopefully also maybe put constraints on the conduct, on any kind of abusive conduct by Kyrgyz forces, and also it would help to build some kind of confidence on the part of ethnic Uzbeks.

Certainly during the Bakiyev era and even before the authorities had engaged in kind of a crackdown on Islamist movements in southern Kyrgyzstan, especially on the movement Hizb-ut-Tahrir and its members and on people who generally manifested their beliefs in Islam in ways that were more conservative, more orthodox than is traditional in Central Asia. People who wear head scarves in a certain way, people who pray in certain ways, people who follow certain imams were the target of increasingly -- not to the same extent as in Uzbekistan, but increasingly had become under suspicion, and there had been a number of arrests of people who had been members of Hizb-ut-Tahrir.

I think so far it is pretty unclear how the recent events is going to have an impact on the development of Islamic movements. I would be interested in what Eric McGlinchey has to say about that.

Mr. McGLINCHEY.. Islam is one of the few things that is keeping the south together in Kyrgyzstan. And rather than fear Islam, I think the international community would do well to embrace the role that Islam is playing in the south. A lot of what we see as far as Islamic activity -- and I say Islamic, not Islamist -- is really self-help groups filling the need that the state government isn't filling.

So the question about Islamist extremism I think is legitimate but at this point overblown. And the issue of Islam as the de facto civil society and the de facto security net for both Uzbeks and Kyrgyz and Islam crosses -- one mosque, for example, will cross ethnic divides -- is actually a stabilizing force and something that I know ABA has been working with, I know USAID has been working with as well,

in an area that can be a partnership with the United States that can be increased.

Ms. WRIGHT. I think on a long-term basis that the Islamic community has to continue to be engaged with the civic education programs that we have been doing in the madrassas, with the USAID funding, has been very successful. We have had students say that they realize for the first time that the Koran says that you should obey the laws of the country in which you live. And we had another student say that for the first time they understood the meaning of the word gender and corruption, and they were understanding what it meant to be a responsible Kyrgyz citizen. And they understand that Islam and Kyrgyz citizenship don't have to be exclusive. You can be a good Muslim and a good Kyrgyz citizen at the same time. And I think that is really vital that we continue to engage that way.

Mr. HOGREFE. Jeff.

Mr. GOLDSTEIN. On your first question, I think that it is time for the United States to do an overall review of its security assistance and police assistance to Kyrgyzstan and all of Central Asia. I talk to people who have been involved, for example, in the anti-drug effort and who have come to the conclusion, unfortunately, given the levels of corruption there, much of our assistance has simply led to better qualified narcotraffickers, because in many of the places the people we are training to combat narcotrafficking are themselves a large part of the problem.

I think if you look at the film of April 7, you will see that some of the snipers on the roof of the White House were in what very much appeared to be U.S. supplied uniforms.

So what should be the purpose? What kind of assistance should we provide? Obviously, the feeling was if you had better trained police better able to maintain control through nonlethal means, they wouldn't have to resort to violence. So what failed? Was the training inadequate? Was it the right training? Should more have been done to, for example, increase the pay of policemen rather than providing them with equipment? I think it is time for an overall review of that subject.

In terms of Islamism, I think the Kyrgyzstan, like every other authoritarian country in the region, has used the war on terrorism and what they saw as the tacit okay from the United States to pass a number of restrictive laws, including restrictive laws on religion. And I very much hope that the U.S. will press the new Kyrgyz Government to put high on its agenda revision of this law, because in many cases I think what you are seeing is repression in these countries is creating the problem rather than combating the problem. It is not to say that there is not a problem there, but I think it is true that by misconflating Islamism and Islamic extremism, they in many cases are making the problem worse rather than better.

One of the first steps the interim authorities in Kyrgyzstan took were to release the 32 people arrested at Nookat about a year ago on clearly trumped-up charges of sedition because they were angered when local authorities would not allow them to celebrate an Islamic holiday in public as they always had in the past. Then just last week there was a large arrest in Bishkek of people from Hizb-ut-Tahrir.

So I think we would have to say, as Eric mentioned, it is very unclear what the new government's policy on it will be, and I think there is a role here for the United States in trying to indicate the direction we think they should be moving in.

Mr. HOGREFE. Thank you, Jeff.

Before we conclude, I would like to ask you, is there anything that we have not asked you about yet that you think would be a glaring omission in this hearing? Is there anything that you would like to elaborate on that you had touched upon earlier? Is there any other aspect that we haven't discussed that should be part of the record and of this discussion?

Mr. McGLINCHEY. I would just make one obvious and very brief observation, and that is we have been engaged in democratization assistance in Kyrgyzstan for the better part of two decades, and Kyrgyzstan is no more democratic

and arguably less stable than it was in 1991. And this I think builds on Jeff's last question, and that is, some serious introspection would be helpful as far as how the United States and the international community more broadly would like to engage Kyrgyzstan. I am not saying that Kyrgyzstan's lack of democracy and stability is the result of U.S. engagement, but it is clear that U.S. engagement thus far has not led to that many improvements, with the exception of I think the very important programs that the representatives here today represent. But these are the exceptions rather than the rule.

Ms. WRIGHT. And I would like to say that I think that to have a stable democracy requires a lot of patience and a lot of time. As I said earlier, it is a generational thing and it takes time. It really does take time and patience, and that is one thing that I would really like the United States funders and the United States Congress to understand, that short-term programs don't necessarily work to grow this culture of rule of law. You need a long-term strategy with long-term funding. Giving a lot of money and then stopping money and then giving a lot of money again is not working. You need a stable flow of aid and a stable strategy on working on this rule of law culture.

Mr. HOGREFE. Thank you.

Ms. DENBER. I would like to add you need a stable community of people who are willing to take the rule of law imperative forward, and you need a stable network of people who are not only well resourced but who also are protected, who are protected from abuse and protected from persecution. And in that regard, I just want to remember right now my colleague, Azimzhan Askarov, who is a human rights defender from Bazarkugan in southern Kyrgyzstan who has worked on issues of rule of law and torture and ill-treatment in custody, trying to get better monitoring of police stations in the south, and who also had been documenting the mob violence that happened in Bazalkorgan; and he was arrested on June 15. He is accused of incitement. And we have some very serious concerns about the nature of the charges against him and about the way he has been treated in custody and his access to counsel and the like. And so I hope that -- I know that his detention is something that the Obama administration has raised already with the interim government. I think it is something that it needs to continue to raise.

And I am sorry to say this, but I think that it is not just a matter now of Alimzhan Askarov. I fear that the authorities in the south have already started to kind of reach out, not in a good way, to the human rights community, but I think it has started to reach out to start to try to control activists and journalists, people who ask questions about why the violence happened the way it did, what the role of individual law enforcement members were during the violence, even if it was to turn a blind eye to it or be utterly incapable of stopping it, people who were asking questions about that, and also, perhaps even to intimidate people from asking questions going forward.

I hope we do not see a further kind of crackdown in southern Kyrgyzstan. That is something that the Obama administration I think needs to press very seriously with the interim government.

Mr. HOGREFE. Jeff.

Mr. GOLDSTEIN. Just briefly. I think in terms of programs, it is very important for the United States Government to help the Kyrgyz Government develop capacity, because in 2005 a large number of people working in the government left or were forced out. The same thing has happened in 2010. And so where is the base of expertise that any new government is going to be able to act on? That is one of the reasons why the Soros Foundation has, in cooperation with the U.S. Government, been supporting the American University of Central Asia since its founding in an effort to create a new generation of young Kyrgyz who can play this role.

So I think it is going to be very important for the United States also to work

through its role in the international financial institutions, because the new government is going to have significant balance of budget issues here. We noted that increases in electricity costs helped to fuel these demonstrations. What we didn't hear is that in fact utility prices are not economically viable as they are. So someone is going to have to make up that gap between what people are politically willing to afford and what is affordable in the long run. So the United States is going to have to use its ability in the IFYS to ensure that there is significant budgetary support to the new government to keep it going and keep it stable over the next year in order to try and create some basic stability in Kyrgyzstan.

Mr. HOGREFE. Thank you, Jeff. That has to, unfortunately, be the last word for this hearing. Before we conclude, I would certainly like to thank all of our witnesses and our audience for coming today. Thank you for making your time available and certainly sharing your expertise and your excellent testimony, which we will make available as soon as possible. And I would like to thank you on behalf of the Tom Lantos Human Rights Commission, my colleague Elizabeth Hoffman, and myself for being here this morning. You know we will continue to work with you. This hearing was just a starting point, and we will continue. The Commission will continue to monitor the situation in Kyrgyzstan, because that is exactly ultimately what we are all about, why the Commission was created in the first place, to see how we can help, how we can intervene, particularly in the cases that you had indicated, Rachel, where we see arrests, where we see detentions and a crackdown on civil society like the civil society groups that you refer to.

With that, I would like to thank everybody. And this hearing is adjourned.

[Whereupon, at 11:20 a.m., the commission was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

Tom Lantos Human Rights Commission (TLHRC)
Hearing Notice

A Region in Crisis: The Violent Conflict in Kyrgyzstan

Thursday, July 1
10 – 11:30 a.m.
2200 Rayburn HOB

Please join the Tom Lantos Human Rights Commission for a hearing on Kyrgyzstan, where, according to the latest U.N. estimates, escalating violence in the predominantly Uzbek South of Kyrgyzstan has internally displaced 300,000 people and forced approximately 90,000 to seek refuge in Uzbekistan. **The hearing is open to the media and the public.**

When opposition forces stormed government offices in April of this year, the government of Kurmanbek Bakiyev, which came to power in the 2005 Tulip Revolution, effectively came to an end. Allegations of corruption, nepotism, human rights abuses, as well as discontent over increased energy prices and economic inequality, turned public opinion against Bakiyev. The opposition was quick to form an interim government led by former foreign minister Roza Otunbayeva, who initiated a referendum on a new Constitution, which was held on June 27, and promised to hold elections in October. Almost 90 percent of voters supported the adoption of a new constitution in the referendum, and the OSCE issued a statement saying that despite some shortcomings the referendum was conducted peacefully and in a transparent manner. However, the interim government has so far failed to exercise control over the south of the country, where Bakiyev loyalists have a stronghold. On June 10, riots broke out in Osh, after which the disorder spread to the neighboring Jalal Abad region. The government declared an emergency situation and dispatched additional military and police forces to the region. The violence left at least 264 dead and approximately 2,200 injured, though the government estimates that the true number is 10 times higher.

The security situation of Kyrgyzstan remains precarious and there are serious concerns regarding the stability of the entire region. Lawlessness persists in the south which has created spaces for extremism and criminality. United Nations aid agencies have reported that tens of thousands of Uzbek refugees are returning to their Kyrgyz homes, which requires U.N. agencies to revise their assistance operations.
To discuss these issues we welcome the following witnesses:

- **Jeff Goldstein**, senior policy analyst, *Open Society Institute*
- **Donna Wright**, director of the Europe and Eurasia division, *American Bar Association*
- **Eric McGlinchey**, assistant professor, *George Mason University*
- **Rachel Denber,** deputy director Europe and Central Asia, *Human Rights Watch*

If you have any questions, please contact Hans Hogrefe (Rep. McGovern) or Elizabeth Hoffman (Rep. Wolf) at 202-225-3599.

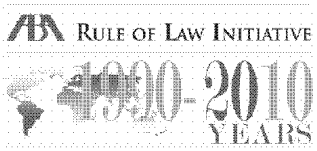
/s/James P. McGovern, M.C.
Co-Chair, TLHRC

/s/Frank R. Wolf, M.C.
Co-Chair, TLHRC

Additional Documents Submitted for the Record by Donna Wright

American Bar Association Rule of Law Initiative
Promoting the rule of law in Africa, Asia, Europe and Eurasia, Latin America and the Caribbean, and the Middle East and North Africa

740 15th Street, NW, 7th Floor Washington, DC 20005, USA
phone: +1.202.662.1950 fax: +1.202.662.1597
e-mail: rol@staff.abanet.org website: www.abarol.org



Supporting Documents for the

Testimony of Donna H. Wright

Director, Europe and Eurasia Division, American Bar Association Rule of Law Initiative

before the Tom Lantos Human Rights Commission hearing on Kyrgyzstan

July 1, 2010

ABA Rule of Law Initiative 1990-2010 Years

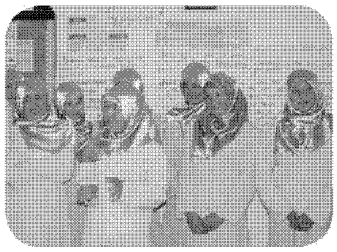
Our Work in Kyrgyzstan

The ABA Rule of Law Initiative (ABA ROLI) programs continue to strengthen the rule of law in Kyrgyzstan. With support from the U.S. Department of State and the U.S. Agency for International Development, ABA ROLI educates secondary school students on law and human rights, promotes professional development among lawyers and the judiciary and supports anti-corruption and anti-human trafficking efforts.

Providing civic education and *pro bono* consultations

Our street law program, established in 2001, provides public legal education on the rule of law, human rights and democracy to secondary students in secular and religious schools. Our programs have so far established five educational centers around Kyrgyzstan. To support the trainings, we published a textbook—*We and the Law*—and a teacher's manual in Kyrgyz, Uzbek and Russian. ABA ROLI also taught more than 7,000 students from 50 secondary schools and another 400 *madrassa* students about their rights.

In 2008, our partner non-governmental organizations (NGOs) began conducting regional visits and providing legal consultations through a traveling lawyer program, delivering *pro bono* legal assistance to marginalized communities. In 2008-2009, four organizations provided 690 *pro bono* legal consultations. To support these efforts, ABA ROLI published and distributed booklets addressing individual rights.



Madrassa students advocate for their position during a "Take a Stand" demonstration during a school open house.

ABA ROLI launched its **Kyrgyzstan** program with the opening of its Bishkek office in 1993. We opened a second office in Osh in 2001. Our initiatives have strengthened the rule of law through legal education, civic education and criminal law programming.

Our efforts have included:

- helping to form the Association of Attorneys of Kyrgyzstan, the first of its kind
- creating the country's first publicly accessible legal information library centers in Bishkek and in Osh
- assisting in the formation of the Kyrgyz Judges Association by developing its charter and code of ethics
- developing an advocates training center, the first and only continuing legal education provider for defense advocates
- coordinating the first-ever public hearing on a draft law in Kyrgyzstan
- establishing five regional street law centers, which raise rule of law awareness among young people and institutionalize an anti-corruption curriculum.

To learn more about ABA ROLI programs, visit <www.abarol.org>.

Advancing professional development

Our criminal law reform program in Kyrgyzstan, which began in 2005, created a working group, resulting in a draft law to establish a national bar association. We also helped establish an advocates training center, making regular continuing legal education a possibility. In December 2008, the center was registered as a public foundation with the Ministry of Justice and has since averaged one training per month, with approximately 25 participants in each session. ABA ROLI helps the center train advocates on issues including arrest warrants, pre-trial detention procedures and jury trials.

Promoting anti-corruption efforts

Our Kyrgyzstan program combated corruption and helped institutionalize anti-corruption curriculum. ABA ROLI developed two anti-corruption manuals. *New Honest Generation* was introduced to assist middle school teachers. A training-of-trainers manual was developed for use by law students in training secondary school students. In 2008, the Kyrgyz-Russian Slavonic University introduced an elective anti-corruption course.

We also organized a nationally televised public forum on Kyrgyzstan's new anti-money laundering law. The program aired in both Russian and Kyrgyz during primetime and was complemented by anti-corruption public service announcements (PSAs) that ABA ROLI developed. We also produced PSAs on basic rights and analytical programs on other legal reform issues.

Combating human trafficking

ABA ROLI combats trafficking in persons (TIP) in Kyrgyzstan by raising awareness among law enforcement, defense attorneys and the judiciary to strengthen prevention, prosecution and victim protection. With funding from the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons, ABA ROLI is developing a series of TIP trainings for law enforcement, prosecutors, judges and defense attorneys. This year, ABA ROLI will provide 20 trainings to about 300 justice sector and law enforcement personnel. We will also create and distribute standardized TIP investigation and prosecution guidelines, which will be developed into textbooks for inclusion into government academies' curricula.

About the ABA Rule of Law Initiative

The American Bar Association Rule of Law Initiative (ABA ROLI) is a non-profit program grounded in the belief that rule of law promotion is the most effective long-term antidote to the most pressing problems facing the world today, including poverty, conflict, endemic corruption and disregard for human rights.

The ABA created its first overseas rule of law program, the Central European and Eurasian Law Initiative or CEELI, in 1990 after the fall of the Berlin Wall. Today, ABA ROLI implements legal reform programs in nearly 40 countries in Africa, Asia, Europe and Eurasia, Latin America and the Caribbean, and the Middle East and North Africa. ABA ROLI has more than 400 professional staff working in the United States and abroad, including a cadre of short- and long-term expatriate volunteers who, since the program's inception, have contributed more than $200 million in *pro bono* technical legal assistance.

ABA Rule of Law Initiative
1990-2010 20 YEARS

740 15th Street, NW
Washington, DC 20005

telephone: +1.202.662.1950
facsimile: +1.202.662.1597
e-mail: rol@staff.abanet.org
website: www.abarol.org

May 2010

USAID | KYRGYZ REPUBLIC
FROM THE AMERICAN PEOPLE

SUCCESS STORY
Madrasa Students Receive Lessons on Constitutional Rights and Obligations

Madrasa students in southern Kyrgyzstan learn from a USAID-supported program.

Female students at a lesson on religious rights and tolerance in Osh, southern Kyrgyzstan. Photo: ABA/CEELI

"For us religious laws are above all, but still we want to know the laws of the country we live in to protect our rights,"

- Kyz-Jibek, a 16 year-old madrasa female student, speaking of the Street Law classes.

A class of 35 girls, ages 14 to 17, at a madrasa in Osh, southern Kyrgyzstan, is immersed in a debate on the merits of a democratic form of government. "Could a democratic society vote for Islam as its official religion?" one student challenges her friends.

Scenes like this have grown increasingly common in Kyrgyzstan's Islamic schools -- madrasas -- since February 2006, when USAID reached an agreement with an Osh imam, arranging for madrasa students to learn about religious rights and tolerance, democracy and the law, social norms, and constitutional and criminal law. Throughout the spring, USAID-sponsored Street Law program (implemented by ABA/CEELI) has taught these topics to groups of girls and boys in separate classrooms at two madrasas in Southern Kyrgyzstan.

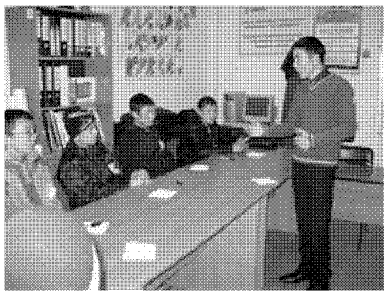
The first madrasa to give approval for Street Law was the Islamic Institute of Osh ("Osh madrasa"). In the Osh madrasa the Street Law program, together with law students from local university, conducted 14 lessons for two classes - one with 30 male and another with 35 female students - on topics, like constitutional rights and freedoms, constitutional obligations, the rights and duties of the police, and what a citizen should do if they are stopped by the police. The madrasa students became more active and engaged as the lessons progressed. "For us religious laws are above all, but still we want to know the laws of the country we live in to protect our rights," says Kyz-Jibek, a 16 year old madrasa female student speaking of the Street Law classes.

The same spring, street law expanded to a madrasa in Jalalabat Oblast, where more than 20 teachers have requested lessons on interactive methods of teaching, working in small groups, and open questions. The USAID-supported Street Law program is planning to introduce their lessons in more madrasas in Osh and Jalalabat, as well as other parts of the country.

ABA ROLI Hosts Sustainability Workshop for Kyrgyz Street Law Centers

December 2009

From November 15–16, the ABA Rule of Law Initiative (ABA ROLI) conducted a workshop on financial sustainability of street law centers in Bishkek, Kyrgyzstan. The event was attended by representatives of five street law centers and other non-governmental organizations (NGOs).


Kyrgz workshop participants listen to recommendations for developing strategic financial plans for their independent street law programs.

Aidar Mambetov, executive director of the Association of Civil Society Support Centers and an expert on financial sustainability of NGOs led the training, while Aida Kurbanova, an organizational development expert, assisted. The workshop focused on the skills needed to build and maintain financially sustainable organizations. A session of the workshop discussed the development of financial plans, covering critical components including vision, mission, risks and strategy.

Participants expressed commitment to maintaining financially stable street law programs throughout the country. The street law centers' personnel also vowed to work to strengthen the financial capacity of their centers.

Later in November, the Osh and Batken street law centers had their first discussion club meetings for religious and secular school students, during which participants mapped out future plans. The Osh discussion club members chose topics—including school bullying and extortion, corruption in schools and school uniforms—to discuss in their upcoming meetings. They also developed a program, including plans to attend a trial, to visit a correctional facility for juvenile offenders, a passport department and a customs office, and to invite lawyers, investigators, judges and representatives of local registry offices to attend meetings. In Batken, participants discussed bride kidnapping, exchanging views on its causes and ideas for its prevention in the villages where it is widely practiced.

The street law program in Kyrgyzstan, which ABA ROLI launched in 2001, provides public legal education on the importance of the rule of law, human rights and democratic principles to secondary school students. Law students serve as trainers.

To learn more about our work in Kyrgyzstan, contact the ABA Rule of Law Initiative at <rol@staff.abanet.org>.

A Born Jurist

A Success Story

By Nodira Akbaralieva

Abdiravshan Duisheyev, 37, is a resident in the remote village of Kulundu, that is located on the very edge of Kyrgyzstan. Despite his coming from a faraway province, Abdiravshan is quite progressive in his views, keeping abreast of the times. He has devoted his whole life to Islamic studies. His life story is a long chain of incessant spiritual search. After studying first at the Isfara Madrassa and then at Abdyshabar Islamic Institute, Osh, Kyrgyzstan, he came to teach Islamic Law. Having returned to his native village, he carved a notable career. Currently, Abdiravshan heads Abdullo ibn Abbas Islamic Institute at Leilek, Kyrgyzstan. In 2008, he visited America under the exchange program.

Abdiravshan is one of the first to have promoted the educational program "We and Law" at Islamic Institute – a program designed to give the fundamentals of law and human rights to both secular and religious students. "Many things have changed at our Institute under that program: my students have shown a greater interest in legal matters thanks to the classes of law." Again, not only the madrassa students but also the teachers have received an opportunity to study the basics of law.

In 2008, Abdiravshan was invited to a training held in the city of Osh. It was organized by the American Bar Association for madrassa teachers as part of the program "We and Law". "For me, it was a unique opportunity to learn more about secular law. Our Prophet – Peace be unto Him! – said, 'He will keep his religion whoever can succeed in the study of law,' " Abdiravshan says.

The objective of the program "We and Law", which is being implemented by ABA/ROLI with the USAID support, is to promote elementary legal education of the general public. There are thirteen religious educational institutions that have regular legal classes under the said program. Also, the program is designed for madrassa teachers, who wish to develop their legal qualifications. In the past two years, ABA/ROLI has provided intensive training and retraining courses for sixteen madrassa teachers by organizing a series of trainings based on the program "We and Law" and interactive teaching methods.

"Despite my religious education, I was ignorant of my personal human rights. The trainigs have given us a deeper insight into the fundamentals of jurisprudence as well as enabled us to master advanced teaching methods. We have discovered a lot of things we had no idea of previously: thus, we have learnt the meaning of such terms as "gender", "corruption", "terrorism", etc., now we are aware of mechanisms we are to use while defending our rights and a great lot of other things."
Having received intensive training, five madrassa teachers started their own legal classes at their madrassas in this academic year. Abdiravshan was among these five legal teachers.

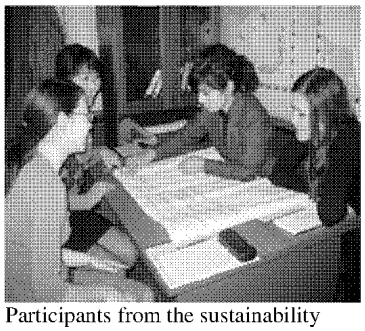
"During my legal classes I often compare Shariah rules with secular ones. While discussing them, my students and I find many points of agreement. But when we see conflicting points, I normally cite passages from the Quran and Hadises saying that one must obey the laws of a country where one lives. Hence, the importance for one's abiding by the laws of the State."

Currently, Abdiravshan is working to develop the Islamic Institute curriculum. In addition to "We and Law" lessons, he has succeeded in introducing classes in Russian, English, computer skills and organizing sewing courses for girls. "I want my students to become comprehensively educated and sought-after specialists, while it is, in fact, impossible to do without elementary legal classes."

Kyrgyz Street Law Programs to Begin Independent Operation

November 2009

The ABA Rule of Law Initiative (ABA ROLI) is working toward a smooth transition to local centers operation of its Kyrgyz street law programs by February 2010. Over eight years of programming, ABA ROLI helped establish and operate five street law centers throughout the country.

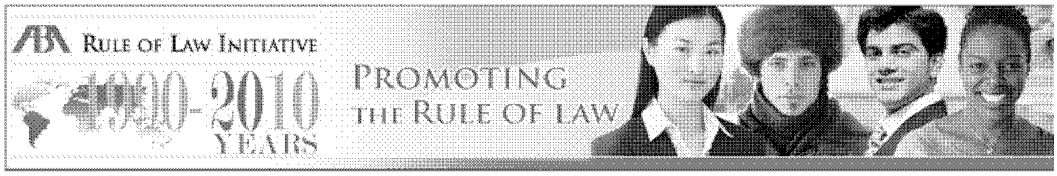

Participants from the sustainability workshop discuss organizational development of the Kyrgyz street law program.

Each of the centers and their staff have obtained the operational capacity and experience necessary to continue the street law programs independently. Moreover, their relationships with stakeholders and local communities are considerable and will allow them to grow in both student volume and esteem. The centers are illustrative of ABA ROLI's emphasis on building local capacity and sustainable programs.

ABA ROLI will continue its technical support to the centers by conducting in-house assessments of the centers' needs. Additionally, ABA ROLI will continue organizing capacity- and institution-building workshops. From October 25–26, ABA ROLI conducted the first of three planned sustainability workshops, which addressed organizational development. Representatives of partner non-governmental organizations (NGOs) and universities attended the workshop, along with street law center directors and assistants. The events provided in-depth information about NGO establishment and development, while identifying and discussing the challenges that new or existing NGOs face.

To learn more about our work in Kyrgyzstan, contact the ABA Rule of Law Initiative at <rol@staff.abanet.org>.

http://www.abanet.org/rol/news/news_kyrgyzstan_street_law_program_independent_transition_1109.shtml



Kyrgyz Legal Professionals Receive Jury Trial Trainings

November 2009

In July and September, the ABA Rule of Law Initiative (ABA ROLI) in Kyrgyzstan, with funding from the British Embassy in Kazakhstan, organized jury trial trainings for Kyrgyz judges, prosecutors and defense attorneys. The trainings will help boost the participants' knowledge and practical jury trial skills.

Mock Jury Trial being conducted in Bishkek

Rubinshtein Evgeni and Maksimova Tatiana, well-known Russian attorneys and professors of law, conducted the trainings in Bishkek and Osh. ABA ROLI organized roundtables in Bishkek, on October 28, and in Osh, on November 5, to obtain participants' feedback and to discuss outcomes of the two trainings. Participants called for collaborated efforts to effectively introduce jury trials into the Kyrgyz judicial system.

To learn more about our work in Kyrgyzstan, contact the ABA Rule of Law Initiative at <rol@staff.abanet.org>.

Advocates Training Center Officially Registered in Kyrgyz Republic

April 2009

The Advocates Training Center (ATC) in Kyrgyzstan was officially registered as a public foundation with the Ministry of Justice in December 2008. The ATC, with the ABA Rule of Law Initiative's (ABA ROLI's) support, has been providing training to licensed advocates since last July. ABA ROLI, in partnership with the Centre Prava public foundation, provides funding and material support to the ATC. The ATC has so far offered seven continuing legal education (CLE) trainings to 190 advocates.

"The official registration of the Advocates Training Center is an important development in the legal community that will contribute to the rule of law promotion in Kyrgyzstan," said Azamat Kerimbaev, ABA ROLI's country director in Kyrgyzstan. "It begins the process of placing our nation's advocates on par with the prosecutors and the courts."

The ATC conducted its first jury trial training in January 2009. The one-day-long training was conducted in anticipation of the passage of a jury trial legislation pending in the Kyrgyz parliament. The legislation was guaranteed by a recent constitutional amendment.

The ATC was established in response to a problem identified through ABA ROLI's *Legal Profession Reform Index* assessment in 2004. The assessment found that while training centers had been established for judges and prosecutors, "no effective mechanism presently exists for providing continuing legal education to advocates throughout Kyrgyzstan on a consistent basis."

Kyrgyzstan had regular mandatory CLE trainings for advocates prior to the breakup of the Soviet Union. The trainings, which were previously conducted by the Ministry of Justice, were eventually the responsibility of the advocature. Lack of funding and material resources had led to cancellation of the CLE programs until they were revitalized through ABA ROLI's support.

ABA ROLI is currently working on a strategic plan for the long term sustainability and development of the ATC. The ATC is the only institution providing regular CLE training to lawyers in the Kyrgyz Republic.

To learn more about our work in Kyrgyzstan, contact the ABA Rule of Law Initiative at <rol@staff.abanet.org>.

http://www.abanet.org/rol/news/news_kyrgyzstan_atc_officially_registered_0409.shtml